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THE
O C E A N A

OF

JAMES HARRINGTON, Esq;

AND HIS OTHER

W O R K S :

With an Account of his LIFE Prefix'd,

By JOHN TOLAND.

To which is Added,

PLATO REDIVIVUS :

OR, A

DIALOGUE concerning GOVERNMENT.

RESPUBLICA *Res est Populi cum bene ac justè ac geritur, sive ab uno Rege, sive a paucis Optimatibus, sive ab universo Populo. Cum vero injustus est Rex (quem Tyrannum voco) aut injusti Optimates (quorum Consensus Factio est) aut injustus ipse Populus (cui nomen usitatum nullum reperio, nisi ut ipsi Tyrannum appellem) non jam vitiosa sed omnino nulla Respublica est, quoniam non RES est POPULI cum Tyrannus eam Factione capeffat; nec ipse Populus jam Populus est si sit injustus, quoniam non est Multitudo Juris consensu & Utilitatis communione sociata.*

Fragmentum Ciceronis ex lib. 3. de Respublica, apud Augustin. de Civ. Dei, l. 2. c. 21.

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T O T H E
L O R D M A Y O R,
A L D E R M E N, S H E R I F F S,
a n d C O M M O N C O U N C I L
o f L O N D O N.

I T is not better known to you, most worthy Magistrates, that Government is the preserving Cause of all Societies, than that every Society is in a languishing or flourishing condition, answerable to the particular Constitution of its Government: And if the Goodness of the Laws in any place be thus distinguishable by the Happiness of the People, so the Wisdom of the People is best discern'd by the Laws they have made, or by which they have chosen to be govern'd. The truth of these Observations is no where more conspicuous than in the present State of that most Antient and Famous Society you have the honour to rule, and which reciprocally enjoys the chearful influence of your Administration. 'Tis solely to its Government that *London* owes being universally acknowledged the largest, fairest, richest, and most populous City in the World; all which glorious Attributes could have no Foundation in History or Nature, if it were not likewise the most free. 'Tis confest indeed that it derives infinite Advantages above other places from its incomparable Situation, as being an inland City, seated in the middle of a Vale no less delicious than healthy, and on the Banks of a Noble River, in respect of which (if we regard how many score miles it is navigable, the clearness and depth of its Channel, or its smooth and even Course) the *Seine* is but a Brook, and the celebrated *Tyber* it self a Rivulet: Yet all this could never raise it to any considerable pitch without the inestimable Blessings of LIBERTY, which has chosen her peculiar Residence, and more eminently fixt her Throne in this place. LIBERTY is the true Spring of its prodigious Trade and Commerce with all the known parts of the Universe, and is the original Planter

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Planter of its many fruitful Colonies in *America*, with its numberless Factories in *Europe*, *Asia*, and *Africa*: hence it is that every Sea is cover'd with our Ships, that the very Air is scarce exempted from our Inventions, and that all the Productions of Art or Nature are imported to this common Store-house of Mankind; or rather as if the whole Variety of things wherewith the Earth is stockt had been principally design'd for our profit or delight, and no more of 'em allow'd to the rest of Men, than what they must necessarily use as our Purveyors or Labourers. As LIBERTY has elevated the native Citizens of *London* to so high a degree of Riches and Politeness, that for their stately Houses, fine Equipages, and sumptuous Tables, they exceed the Port of some Foreign Princes; so is it naturally become every Man's Country, and the happy Refuge of those in all Nations, who prefer the secure enjoyment of Life and Property to the glittering pomp and slavery, as well as to the arbitrary lust and rapine of their several Tyrants. To the same Cause is owing the Splendor and Magnificence of the publick Structures, as Palaces, Temples, Halls, Colleges, Hospitals, Schools, Courts of Judicature, and a great many others of all kinds, which, tho' singly excel'd where the Wealth or State of any Town cannot reach further than one Building, yet, taking them all together, they are to be equal'd no where besides. The delicate Country Seats, and the large Villages croud'd on all hands around it, are manifest Indications how happily the Citizens live, and makes a Stranger apt to believe himself in the City before he approaches it by some miles. Nor is it to the felicity of the present times that *London* is only indebted: for in all Ages, and under all Changes, it ever shew'd a most passionate love of LIBERTY, which it has not more bravely preserv'd than wisely manag'd, infusing the same Genius into all quarters of the Land, which are influenc'd from hence as the several parts of the Animal Body are duly supply'd with Blood and Nourishment from the Heart. Whenever therefore the execrable design was hatcht to inflave the Inhabitants of this Country, the first Attempts were still made on the Government of the City, as there also the strongest and most successful Efforts were first us'd to restore Freedom: for we may remember

member (to name one instance for all) when the late King was fled, and every thing in confusion, that then the chief Nobility and Gentry resorted to *Guild-hall* for protection, and to concert proper methods for settling the Nation hereafter on a Basis of Liberty never to be shaken. But what greater Demonstration can the World require concerning the Excellency of our National Government, or the particular Power and Freedom of this City, than the BANK of *England*, which, like the Temple of SATURN among the *Romans*, is esteem'd so sacred a Repository, that even Foreigners think their Treasure more safely lodg'd there than with themselves at home; and this not only done by the Subjects of Absolute Princes, where there can be no room for any publick Credit, but likewise by the Inhabitants of those Common-wealths where alone such Banks were hitherto reputed secure. I am the more willing to make this Remark, because the Constitution of our Bank is both preferable to that of all others, and comes the nearest of any Government to HARRINGTON'S Model. In this respect a particular Commendation is due to the City which produc'd such Persons to whose Wisdom we owe so beneficial an Establishment: and therefore from my own small observation on Men or Things I fear not to prophesy, that, before the term of years be expir'd to which the Bank is now limited, the desires of all people will gladly concur to have it render'd perpetual. Neither is it one of the last things on which you ought to value yourselves, most worthy Citizens, that there is scarce a way of honouring the Deity known any where, but is either already allow'd, or may be safely exercis'd among you; Toleration being only deny'd to immoral Practices, and the Opinions of Men being left as free to them as their Possessions, excepting only P O P E R Y, and such other Rites and Notions as directly tend to disturb or dissolve Society. Besides the political Advantages of Union, Wealth, and Numbers of People, which are the certain Consequents of this impartial Liberty, 'tis also highly congruous to the nature of true Religion; and if any thing on Earth can be imagin'd to ingage the Interest of Heaven, it must be specially that which procures it the sincere and voluntary respect of Mankind. I might here

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display

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display the Renown of the City for Military Glory, and recite those former valiant Atchievements which our Historians carefully record; but I should never finish if I enlarg'd on those things which I only hint, or if I would mention the extraordinary Privileges which *London* now enjoys, and may likely possess hereafter, for which she well deserves the name of a *New Rome in the West*, and like the old one, to become the Sovereign Mistress of the Universe.

THE Government of the City is so wisely and completely contriv'd, that HARRINGTON made very few Alterations in it, tho' in all the other parts of our National Constitution he scarce left any thing as he found it. And without question it is a most excellent Model. The Lord Mayor, as to the Solemnity of his Election, the Magnificence of his State, or extent of his Authority, tho' inferior to a *Roman* Consul (to whom in many respects he may be fitly compar'd) yet he far out-shines the figure made by an *Athenian* Archon, or the grandeur of any Magistrate presiding over the best Cities now in the World. During a vacancy of the Throne he is the chief Person in the Nation, and is at all times vested with a very extraordinary Trust, which is the reason that this Dignity is not often confer'd on undeserving Persons; of which we need not go further for an Instance than the Right Honourable Sir RICHARD LEVET, who now so worthily fills that eminent Post, into which he was not more freely chosen by the Suffrages of his Fellow-citizens, than he continues to discharge the Functions of it with approv'd Moderation and Justice. But of the great Caution generally us'd in the choice of Magistrates, we may give a true Judgment by the present Worshipful Sheriffs, Sir CHARLES DUNCOMB and Sir JEFFERY JEFFERIES, who are not the Creatures of petty Factions and Cabals, nor (as in the late Reigns) illegally obtruded on the City to serve a Turn for the Court, but unanimously elected for those good Qualities, which alone should be the proper Recommendations to Magistracy; that as having the greatest Stakes to lose they will be the more concern'd for securing the Property of others, so their willingness to serve their Country is known not to be inferior to their Zeal
for

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for King WILLIAM; and while they are, for the Credit of the City, generously equalling the Expences of the *Roman Prætors*, such at the same time is their tender care of the Distrest, as if to be Overseers of the Poor were their sole and immediate Charge. As the Common Council is the Popular Representative, so the Court of Aldermen is the Aristocratical Senate of the City. To enter on the particular Merits of those Names who compose this illustrious Assembly, as it must be own'd by all to be a labour no less arduous than extremely nice and invidious, yet to pass it quite over in such a manner as not to give at least a Specimen of so much Worth, would argue a pusillanimity inconsistent with LIBERTY, and a disrespect to those I wou'd be always understood to honour. In regard therefore that the eldest Alderman is the same at *London* with what the Prince of the Senate was at *Rome*, I shall only presume to mention the Honourable Sir ROBERT CLAYTON as well in that capacity, as by reason he universally passes for the perfect Pattern of a good Citizen. That this Character is not exaggerated will be evident to all those who consider him, either as raising a plentiful Fortune by his Industry and Merit, or as disposing his Estate with no less liberality and judgment than he got it with honesty and care: For as to his publick and private Donations, and the provision he has made for his Relations or Friends, I will not say that he is unequal'd by any, but that he deserves to be imitated by all. Yet these are small Commendations if compar'd to his steady Conduct when he supply'd the highest Stations of this Great City. The danger of defending the Liberty of the Subject in those calamitous times is not better remember'd than the courage with which he acted, particularly in bringing in the Bill for excluding a Popish Successor from the Crown, his brave appearance on the behalf of your Charter, and the general applause with which he discharg'd his Trust in all other respects; nor ought the Gratitude of the People be forgot, who on this occasion first stil'd him *the Father of the City*, as CICEERO for the like reason was the first of all *Romans* call'd *the Father of his Country*. That he still assists in the Government of *London* as eldest Alderman, and in that of
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The DEDICATION.

the whole Nation as a Member of the High Court of Parliament, is not so great an honour as that he deserves it; while the Posterity of those Families he supports, and the memory of his other laudable Actions, will be the living and eternal Monuments of his Virtue, when time has consum'd the most durable Brass or Marble.

'T O whom therefore shou'd I inscribe a Book containing the Rules of good Polity, but to a Society so admirably constituted, and producing such Great and Excellent Men? That elsewhere there may be found who understand Government better, distribute Justice wiser, or love Liberty more, I could never persuade my self to imagine: nor can the Person wish for a nobler Address, or the Subject be made happy in a more suitable Patronage than **THE SENATE AND PEOPLE OF LONDON**; to whose uninterrupted increase of Wealth and Dignity, none can be a heartier Well-wisher, than the greatest admirer of their Constitution, and their most humble Servant,

JOHN TOLAND.

T H E

T H E
P R E F A C E.

HOW allowable it is for any man to write the History of another, without intitling himself to his Opinions, or becoming answerable for his Actions, I have expressly treated in the Life of JOHN MILTON, and in the just defence of the same under the Title of *AMYNTOR*. The Reasons there alledg'd are Excuse and Authority enough for the Task I have since impos'd on my self, which is, to transmit to Posterity the worthy Memory of JAMES HARRINGTON, a bright Ornament to useful Learning, a hearty Lover of his Native Country, and a generous Benefactor to the whole World; a Person who obscur'd the false Lustre of our Modern Politicians, and that equal'd (if not exceeded) all the Ancient Legislators.

BUT there are some People more formidable for their Noise than Number, and for their Number more considerable than their Power who will not fail with open mouths to proclaim that this is a seditious Attempt against the very being of Monarchy, and that there's a pernicious design on foot of speedily introducing a Republican Form of Government into the *Britannick* Islands; in order to which the Person (continue they) whom we have for some time distinguish'd as a zealous promoter of this Cause, has now publish'd the Life and Works of HARRINGTON, who was the greatest Common-wealthsman in the World. This is the substance of what these roaring and hoarse Trumpeters of Detraction will sound; for what's likely to be said by men who talk all by rote, is as easy to guess as to answer, tho' its commonly so silly as to deserve no Animadversion. Those who in the late Reigns were invidiously nicknam'd *Common-wealthsmen*, are by this time sufficiently clear'd of that Imputation by their Actions, a much better Apology than any Words: For they valiantly rescu'd our antient Government from the devouring Jaws of Arbitrary Power, and did not only unanimously concur to fix the Imperial Crown of *England* on the most deserving head in the Universe, but also settled the Monarchy for the future, not as if they intended to bring it soon to a period, but under such wise Regulations as are most likely to continue it for ever, consisting of such excellent Laws as indeed set bounds to the Will of the King, but that render him thereby the more safe, equally binding up his and the Subjects hands from unjustly seizing one another's prescrib'd Rights or Privileges.

'Tis confess'd, that in every Society there will be always found some Persons prepar'd to enterprize any thing (tho' never so flagitious) grown desperate by their Villainies, their Profuseness, their Ambition, or the more raging madness of Superstition; and this Evil is not within the compass of Art or Nature to remedy. But that a whole People, or any considerable number of them, shou'd rebel against a King that well and wisely administers his Government, as it cannot be

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The PREFACE.

instanc'd out of any History, so it is a thing in it self impossible. An infallible Expedient therefore to exclude a Common-wealth, is for the King to be the Man of his People, and, according to his present Majesty's glorious Example, to find out the Secret of so happily uniting two seemingly incompatible things, Principality and Liberty.

'TIS strange that men shou'd be cheated by mere Names! yet how frequently are they seen to admire under one denomination, what going under another they wou'd undoubtedly detest; which Observation made TACITUS lay down for a Maxim, That *the secret of setting up a new State consists in retaining the Image of the old*. Now if a Common-wealth be a Government of Laws enacted for the common Good of all the People, not without their own Consent or Approbation; and that they are not wholly excluded, as in absolute Monarchy, which is a Government of Men who forcibly rule over others for their own private Interest: Then it is undeniably manifest that the *English* Government is already a Common-wealth, the most free and best constituted in all the world. This was frankly acknowledg'd by King JAMES the First, who stil'd himself *the Great Servant of the Common-wealth*. It is the Language of our best Lawyers, and allow'd by our Author, who only makes it a less perfect and more unequal Form than that of his *Oceana*, wherein, he thinks, better provision is made against external Violence or internal Diseases. Nor does it at all import by what names either Persons, or Places, or Things are call'd, since the Common-wealthsman finds he enjoys Liberty under the security of equal Laws, and that the rest of the Subjects are fully satisfy'd they live under a Government which is a Monarchy in effect as well as in name. There's not a man alive that exceeds my affection to a mix'd Form of Government, by the Antients counted the most perfect; yet I am not so blinded with admiring the good Constitution of our own, but that every day I can discern in it many things deficient, some things redundant, and others that require emendation or change. And of this the supreme Legislative Powers are so sensible, that we see nothing more frequent with them than the enacting, abrogating, explaining, and altering of Laws, with regard to the very Form of the Administration. Nevertheless I hope the King and both Houses of Parliament will not be counted Republicans; or, if they be, I am the readiest in the world to run the same good or bad Fortune with them in this as well as in all other respects.

BUT, what HARRINGTON was oblig'd to say on the like occasion, I must now produce for my self. It was in the time of ALEXANDER, the greatest Prince and Commander of his Age, that ARISTOTLE (with scarce inferior Applause, and equal Fame) wrote that excellent piece of Prudence in his Closet which is call'd his *Politicks*, going upon far other Principles than ALEXANDER's Government which it has long outliv'd. The like did LIVY without disturbance in the time of AUGUSTUS, Sir THOMAS MORE in that of HENRY the Eighth, and MACHIAVEL when *Italy* was under Princes that afforded him not the ear. If these and many other celebrated Men wrote not only with honour and safety, but even of Common-wealths under Despotic or Tyrannical Princes, who can be so notoriously stupid as to wonder that in a free Government, and under a King that is both the restorer and supporter of the Liberty of *Europe*, I shou'd do justice to an Author who far outdoes all that went before him in his exquisite knowledge of the Politicks?

THIS

The P R E F A C E.

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THIS Liberty of writing freely, fully, and impartially, is a part of those Rights which in the last Reigns were so barbarously invaded by such as had no inclination to hear of their own enormous violations of the Laws of God and Man; nor is it undeserving Observation, that such as raise the loudest Clamours against it now, are the known Enemies of King WILLIAM's Title and Person, being sure that the Abdicated King JAMES can never be reinthron'd so long as the Press is open for brave and free Spirits to display the Mischiefs of Tyranny in their true Colours, and to shew the infinite Advantages of Liberty. But not to dismiss even such unreasonable People without perfect satisfaction, let 'em know that I don't recommend a Common-wealth, but write the History of a Common-wealthsman, fairly divulging the Principles and Pretences of that Party, and leaving every body to approve or dislike what he pleases, without imposing on his Judgment by the deluding Arts of Sophistry, Eloquence, or any other specious but unfair methods of persuasion. Men, to the best of their ability, ought to be ignorant of nothing; and while they talk so much for and against a Common-wealth, 'tis fit they shou'd at least understand the Subject of their Discourse, which is not every body's case. Now as HARRINGTON's *Oceana* is, in my Opinion, the most perfect Form of Popular Government that ever was: so this, with his other Writings, contain the History, Reasons, Nature, and Effects of all sorts of Government, with so much Learning and Perspicuity, that nothing can be more preferably read on such occasions.

LET not those therefore, who make no opposition to the reprinting or reading of PLATO's Heathen Common-wealth, ridiculously declaim against the better and Christian Model of HARRINGTON; but peruse both of 'em with as little prejudice, passion, or concern, as they would a Book of Travels into the *Indies* for their improvement and diversion. Yet so contrary are the Tempers of many to this equitable disposition, that DIONYSIUS the *Sicilian* Tyrant, and such Beasts of Prey, are the worthy Examples they wou'd recommend to the imitation of our Governors, tho', if they cou'd be able to persuade 'em, they wou'd still miss of their foolish aim: for it is ever with all Books, as formerly with those of CREMUTIUS CORDUS, who was condemn'd by that Monster TIBERIUS for speaking honourably of the immortal Tyrannicides BRUTUS and CASSIUS. TACITUS records the last words of this Historian, and subjoins this judicious Remark: *The Senate, says he, order'd his Books to be burnt by the Ediles; but some Copies were conceal'd, and afterwards publish'd; whence we may take occasion to laugh at the Sottishness of those who imagine that their present Power can also abolish the Memory of succeeding Time: for on the contrary, Authors acquire additional Reputation by their Punishment; nor have foreign Kings, and such others as have us'd the like severity, got any thing by it, except to themselves Disgrace, and Glory to the Writers.* But the Works of HARRINGTON were neither suppress'd at their first publication under the Usurper, nor ever since call'd in by lawful Authority, but as inestimable Treasures preserv'd by all that had the happiness to possess 'em intire; so that what was a precious rarity before, is now become a publick Good, with extraordinary advantages of Correctness, Paper, and Print. What I have perform'd in the History of his Life, I leave the Readers to judge for themselves; but in that and all my other Studies, I constantly aim'd as much at least at the benefit
of

The P R E F A C E.

of Mankind, and especially of my fellow Citizens, as at my own particular Entertainment or Reputation.

THE Politicks, no less than Arms, are the proper study of a Gentleman, tho' he shou'd confine himself to nothing, but carefully adorn his Mind and Body with all useful and becoming Accomplishments; and not imitate the servile drudgery of those mean Spirits, who, for the sake of some one Science, neglect the knowledge of all other matters, and in the end are many times neither masters of what they profess, nor vers'd enough in any thing else to speak of it agreeably or pertinently: which renders 'em untractable in Conversation, as in Dispute they are opinionative and passionate, envious of their Fame who eclipse their littleness, and the sworn Enemies of what they do not understand.

BUT Heaven be duly prais'd, Learning begins to flourish again in its proper Soil among our Gentlemen, in imitation of the *Roman* Patricians, who did not love to walk in Leading-strings, and to be guided blindfold, nor lazily to abandon the care of their proper Business to the management of Men having a distinct Profession and Interest: for the greatest part of their best Authors were Persons of Consular Dignity, the ablest Statesmen, and the most gallant Commanders. Wherefore the amplest satisfaction I can enjoy of this sort will be, to find those delighted with reading this Work, for whose service it was intended by the Author; and which with the study of other good Books, but especially a careful perusal of the *Greek* and *Roman* Historians, will make 'em in reality deserve the Title and Respect of Gentlemen, help 'em to make an advantageous Figure in their own time, perpetuate their illustrious Names and solid Worth to be admir'd by future Generations.

AS for my self, tho' no employment or condition of Life shall make me disrelish the lasting entertainment which Books afford; yet I have resolv'd not to write the Life of any modern Person again, except that only of one man still alive, and whom in the ordinary course of nature I am like to survive a long while, he being already far advanc'd in his declining time, and I but this present day beginning the thirtieth year of my Age.

Canon near Bansted, Novemb. 30. 1699.

THE
L I F E
O F

James Harrington.

1. **J**AMES HARRINGTON (who was born in *January, 1611*) was descended of an Antient and Noble Family in *Rutlandshire*, being Great Grandson to Sir JAMES HARRINGTON; of whom it is observ'd by the * Historian * Wright's *Antiquity of the County of Rutland, p. 52.* of that County, that there were sprung in his time eight Dukes, three Marquisses, seventy Earls, twenty seven Viscounts, and thirty six Barons; of which number sixteen were Knights of the Garter: to confirm ~~which Account, we shall annex a Copy~~ of the Inscription on his Monument and that of his three Sons at *Exton*, with Notes on the same by an uncertain hand. As for our Author, he was the eldest Son of Sir SARCOTES HARRINGTON, and JANE the Daughter of Sir WILLIAM SAMUEL of *Upton* in *Northamptonshire*. His Father had Children besides him, WILLIAM a Merchant in *London*; ELIZABETH marry'd to Sir RALPH ASHTON in *Lancashire*, Baronet; ANN marry'd to ARTHUR EVELYN, Esq. And by a second Wife he had JOHN kill'd at Sea; EDWARD a Captain in the Army, yet living; FRANCES marry'd to JOHN BAGSHAW of *Culworth* in *Northamptonshire*, Esq; and DOROTHY marry'd to ALLAN BELLINGHAM of *Levens* in *Westmorland* Esq. This Lady is still alive, and, when she understood my Design, was pleas'd to put me in possession of all the remaining Letters, and other Manuscript Papers of her Brother, with the Collections and Observations relating to him, made by his other Sister the Lady ASHTON, a Woman of very extraordinary Parts and Accomplishments. These, with the Account given of him by ANTHONY WOOD in the second Volum of his *Athenæ Oxonienses*, and what I cou'd learn from the Mouths of his surviving Acquaintance, are the Materials whereof I compos'd this ensuing History of his Life.

2. IN his very Childhood he gave sure hopes of his future Abilities, as well by his Inclination and Capacity to learn whatever

was propos'd to him, as by a kind of natural gravity; whence his Parents and Masters were wont to say, That he rather kept them in aw, than needed their correction: yet when grown a Man, none could easily surpass him for quickness of Wit, and a most facetious Temper. He was enter'd a Gentleman Commoner of *Trinity College* in *Oxford* in the year 1629, and became a Pupil to that great Master of Reason Dr. CHILLINGWORTH, who discovering the Errors, Impostures, and Tyranny of the *Popish* Church (whereof he was for sometime a Member) attackt it with more proper and successful Arms than all before, or perhaps any since have don. After considerably improving his Knowledge in the University, he was more particularly fitting himself for his intended Travels, by learning several Foreign Languages, when his Father dy'd, leaving him under Age. Tho' the Court of Wards was still in being, yet by the Soccage Tenure of his Estate he was at liberty to chuse his own Guardian; and accordingly picht upon his Grandmother the Lady SAMUEL, a Woman eminent for her Wisdom and Virtue. Of her and the rest of his Governors, he soon obtain'd a permission to satisfy his eager desire of seeing some other parts of the World, where he cou'd make such Observations on Men and Manners, as might best fit him in due time to serve and adorn his Native Country.

3. HIS first step was into *Holland*, then the principal School of Martial Disciplin, and (what toucht him more sensibly) a place wonderfully flourishing under the influence of their Liberty which they had so lately asserted, by breaking the Yoke of a severe Master, the *Spanish* Tyrant. And here, no doubt, it was that he begun to make Government the Subject of his Meditations: for he was often heard to say, that, before he left *England*, he knew no more of Monarchy, Anarchy, Aristocracy, Democracy, Oligarchy, or the like, than as hard words whereof he learnt the signification in his Dictionary. For som months he listd himself in my Lord CRAVEN's Regiment and Sir ROBERT STONE's; during which time being much at the *Hague*, he had the opportunity of further accomplishing himself in two Courts, namely those of the Prince of *Orange*, and the Queen of *Bohemia*, the Daughter of our K. JAMES I. then a Fugitive in *Holland*, her Husband having been abandon'd by his Father in Law, betray'd by the King of *Spain*, and stript of all his Territorys by the Emperor. This excellent Princess entertain'd him with extraordinary favour and civility on the account of his Uncle the Lord HARRINGTON, who had been her Governor; but particularly for the sake of his own Merit. The Prince Elector also courted him into his Service, ingag'd him to attend him in a Journy he made to the Court of *Denmark*, and, after his return from travelling, committed the chief management of all his Affairs in *England* to his care. Nor were the young Princesses less delighted with his Company, his Conversation being always extremely pleasant, as well as learn'd and polite; to which good qualitys those unfortunat Ladys were far from being strangers, as appears by the Letters of the great Philosopher CARTESIUS, and by the other Writers of those times.

4. THO he found many Charms inviting his longer stay in this place, yet none were strong enough to keep him from pursuing his main design of travelling; and therefore he went next thro *Flanders* into *France*, where having perfected himself in the Language, seen what deserv'd

deserv'd his curiosity, and made such Remarks on their Government as will best appear in his Works; he remov'd thence into *Italy*. It happen'd to be then (as it is now) the Year of *Jubilee*. He always us'd to admire the great dexterity, wherewith the *Popish* Clergy could maintain their severe Government over so great a part of the World, and that Men otherwise reasonable enough should be enchanted out of their Senses, as well as cheated out of their Mony, by these ridiculous Tricks of Religious Pageantry. Except the small respect he shew'd to the Miracles they daily told him were perform'd in their Churches, he did in all other things behave himself very prudently and inoffensively. But going on a *Candlemas* day with several other Protestants, to see the Pope perform the Ceremony of consecrating Wax Lights; and perceiving that none could obtain any of those Torches, except such as kiss the Pope's To, (which he expos'd to 'em for that purpose) tho he had a great mind to one of the Lights, yet he would not accept it on so hard a condition. The rest of his Companions were not so scrupulous, and after their return complain'd of his squeamishness to the King; who telling him he might have done it only as a respect to a temporal Prince, he presently reply'd, that since he had the honor to kiss his Majesty's hand, he thought it beneath him to kiss any other Prince's foot. The King was pleas'd with his answer, and did afterwards admit him to be one of his Privy Chamber extraordinary, in which quality he attended him in his first Expedition against the *Scots*.

5. HE prefer'd *Venice* to all other places in *Italy*, as he did its Government to all those of the whole World, it being in his Opinion immutable by any external or internal Causes, and to finish only with Mankind; of which Assertion you may find various proofs alleg'd in his Works. Here he furnished himself with a Collection of all the valuable Books in the *Italian* Language, especially treating of Politics, and contracted acquaintance with every one of whom he might receive any benefit by instruction or otherwise.

6. A F T E R having thus seen *Italy*, *France*, the *Low Countrys*, *Denmark*, and some parts of *Germany*, he returned home into *England*, to the great joy of all his Friends and Acquaintance. But he was in a special manner the Darling of his Relations, of whom he acknowleg'd to receive reciprocal satisfaction. His Brothers and Sisters were now pretty well grown, which made it his next care so to provide for each of 'em as might render 'em independent of others, and easy to themselves. His Brother WILLIAM he bred to be a Merchant, in which calling he became a considerable Man; he was a good Architect, and was so much notic'd for his ingenious Contrivances, that he was receiv'd a Fellow of the Royal Society. How his other Brothers were dispos'd, we mentioned in the beginning of this Discourse. He took all the care of a Parent in the education of his Sisters, and wou'd himself make large Discourses to 'em concerning the Reverence that was due to Almighty God; the benevolence they were obliged to shew all mankind; how they ought to furnish their minds with knowledge by reading of useful Books, and to shew the goodness of their disposition by a constant practice of Virtue: In a word, he taught 'em the true Rules of humanity and decency, always inculcating to 'em that good Manners did not so much consist in a fashionable carriage (which ought not to be neglected) as in becoming words and actions, an obliging address, and a modest behavior. He treated his Mother in Law

as

as if she were his own, and made no distinction between her Children and the rest of his Brothers and Sisters; which good Example had such effects on 'em all, that no Family has bin more remarkable for their mutual friendship.

7. HE was of a very liberal and compassionate nature, nor could he indure to see a Friend want any thing he might spare; and when the Relief that was necessary exceded the bounds of his Estate, he persuaded his Sisters not only to contribute themselves, but likewise to go about to the rest of their Relations to complete what was wanting. And if at any time they alleg'd that this Bounty had been thrown away on ungrateful Persons, he would answer with a smile that he saw they were mercenary, and that they plainly sold their Gifts since they expected so great a return as Gratitude.

8. HIS natural inclinations to study kept him from seeking after any publick Employments. But in the year 1646, attending out of curiosity the Commissioners appointed by Parliament to bring King CHARLES the First from *Newcastle* nearer to *London*, he was by som of 'em nam'd to wait on his Majesty, as a Person known to him before, and engag'd to no Party or Faction. The King approv'd the Proposal, yet our Author would never presume to com into his presence except in public, till he was particularly commanded by the King; and that he, with THOMAS HERBERT (created a Baronet after the Restoration of the Monarchy) were made Grooms of the Bedchamber at *Holmby*, together with JAMES MAXWELL and PATRICK MAULE (afterwards Earl of *Penmoore* in *Scotland*) which two only remain'd of his old Servants in that Station.

9. HE had the good luck to grow very acceptable to the King, who much convers'd with him about Books and Foren Countrys. In his Sisters Papers I find it exprest, that at the King's command he translated into *English* Dr. SANDERSONS Book concerning the Obligation of Oaths: but ANTHONY WOOD says it was the King's own doing, and that he shew'd it at different times to HARRINGTON, HERBERT, Dr. JUXON, Dr. HAMMOND, and Dr. SHELDON for their approbation. However that be, 'tis certain he serv'd his Master with untainted fidelity, without doing any thing inconsistent with the Liberty of his Country; and that he made use of his Interest with his Friends in Parliament to have Matters accommodated for the satisfaction of all Partys. During the Treaty in the *Ile of Wight*, he frequently warn'd the Divines of his acquaintance to take heed how far they prest the King to insist upon any thing, which, however it concern'd their Dignity, was no essential point of Religion; and that such matters driven too far wou'd infallibly ruin all the indeavors us'd for a Peace, which Prophecy was prov'd too true by the Event. *His Majesty lov'd his company*, says ANTHONY WOOD, *and, finding him to be an ingenious Man, chose rather to converse with him than with others of his Chamber: They had often discourses concerning Government; but when they happen'd to talk of a Commonwealth, the King seem'd not to indure it.* Here I know not which most to commend, the King for trusting a Man of Republican Principles, or HARRINGTON for owning his Principles while he serv'd a King.

10. AFTER the King was remov'd out of the *Ile of Wight* to *Hurstcastle* in *Hampshire*, HARRINGTON was forcibly turn'd out of service, because he vindicated som of his Majesty's Arguments
against

against the Parliament Commissioners at *Newport*, and thought his Concessions not so unsatisfactory as did som others. As they were taking the King to *Windsor*, he beg'd admittance to the Boot of the Coach that he might bid his Master farewell; which being granted, and he preparing to kneel, the King took him by the hand, and pull'd him in to him. He was for three or four days permitted to stay; but because he would not take an Oath against assisting or concealing the King's Escape, he was not only discharged from his Office, but also for som time detain'd in custody, till Major General IRETON obtain'd his Liberty. He afterwards found means to see the King at St. *James's*, and accompany'd him on the Scaffold, where, or a little before, he receiv'd a Token of his Majesty's Affection.

II. AFTER the King's Death he was observ'd to keep much in his Library, and more retir'd than usually, which was by his Friends a long time attributed to Melancholy or Discontent. At length when they weary'd him with their importunitys to change this sort of Life, he thought fit to shew 'em at the same time their mistake and a Copy of his *Oceana*, which he was privately writing all that while: telling 'em withal, that ever since he began to examin things seriously, he had principally addicted himself to the study of Civil Government, as being of the highest importance to the Peace and Felicity of mankind; and that he succeeded at least to his own satisfaction, being now convinc'd that no Government is of so accidental or arbitrary an Institution as people are wont to imagin, there being in Societys natural causes producing their necessary effects, as well as in the Earth or the Air. Hence he frequently argu'd that the Troubles of his time were not to be wholly attributed to wilfulness or faction, neither to the misgovernment of the Prince, nor the stubbornness of the People; but to a change in the Balance of Property, which ever since HENRY the Seventh's time was daily falling into the Scale of the Commons from that of the King and the Lords, as in his Book he evidently demonstrates and explains. Not that hereby he approv'd either the Breaches which the King had made on the Laws, or excus'd the Severity which som of the Subjects exercis'd on the King; but to shew that as long as the Causes of these Disorders remain'd, so long would the like Effects unavoidably follow: while on the one hand a King would be always endeavoring to govern according to the example of his Predecessors when the best part of the National Property was in their own hands, and consequently the greatest command of Mony and Men, as one of a thousand pounds a Year can entertain more Servants, or influence more Tenants, than another that has but one hundred, out of which he cannot allow one Valet; and on the other hand he said, the People would be sure to struggle for preserving the Property whereof they were in possession, never failing to obtain more Privileges, and to enlarge the Basis of their Liberty, as often as they met with any success (which they generally did) in quarrels of this kind. His chief aim therefore was to find out a method of preventing such Distempers, or to apply the best Remedys when they happen'd to break out. But as long as the Balance remain'd in this unequal state, he affirm'd that no King whatsoever could keep himself easy, let him never so much endeavor to please his People; and that tho a good King might manage Affairs tolerably well during his life, yet this did not prove the Government to be good, since under a less prudent Prince it would fall to

pieces again, while the Orders of a well constituted State make wicked men virtuous, and fools to act wisely.

12. THAT *Empire follows the Balance of Property*; whether lodg'd in one, in a few, or in many hands, he was the first that ever made out; and is a noble Discovery, wherof the Honor solely belongs to him, as much as those of the Circulation of the Blood, of Printing, of Guns, of the Compass, or of Optic Glasses, to their several Authors. 'Tis incredible to think what gross and numberless Errors were committed by all the Writers before him, even by the best of them, for want of understanding this plain Truth, which is the foundation of all Politics. He no sooner discours'd publicly of this new Doctrin, being a man of universal acquaintance, but it ingag'd all sorts of people to busy themselves about it as they were variously affected. Som, because they understood him, despis'd it, alleging it was plain to every man's capacity, as if his highest merit did not consist in making it so. Others, and those in number the fewest, disputed with him about it, merely to be better inform'd; with which he was well pleas'd, as reckoning a pertinent Objection of greater advantage to the discovery of Truth (which was his aim) than a complaisant applause or approbation. But a third sort, of which there never wants in all places a numerous company, did out of pure envy strive all they could to lessen or defame him; and one of 'em (since they could not find any precedent Writer out of whose Works they might make him a Plagiarist) did endeavor, after a very singular manner, to rob him of the Glory of this invention: for our Author having friendly lent him a part of his Papers, he publish'd a small piece to the same purpose intitl'd, *A letter from an Officer of the Army in Ireland, &c.* Major WILDMAN was then reputed the Author by som, and HENRY NEVIL by others; which latter, by reason of this thing, and his great intimacy with HARRINGTON, was by his detractors reported to be the Author of his Works, or that at least he had a principal hand in the composing of them. Notwithstanding which provocations, so true was he to the Friendship he profess'd to NEVIL and WILDMAN, that he avoided all harsh Expressions or public Censures on this occasion, contenting himself with the Justice which the World was soon oblig'd to yield to him by reason of his other Writings, where no such clubbing of Brains could be reasonably suspected.

13. BUT the publication of his Book met with greater difficultys from the opposition of the several Partys then set against one another, and all against him; but none more than som of those who pretended to be for a Commonwealth, which was the specious name under which they cover'd the rankest Tyranny of OLIVER CROMWEL, while HARRINGTON, like PAUL at *Athens*, endeavor'd to make known to the People what they ignorantly ador'd. By shewing that a Commonwealth was a Government of Laws, and not of the Sword, he could not but detect the violent administration of the Protector by his Bashaws, Intendants, or Majors General, which created him no small danger: while the Cavaliers on the other side tax'd him with Ingratitude to the memory of the late King, and prefer'd the Monarchy even of a Usurper to the best order'd Commonwealth. To these he answer'd, that it was enough for him to forbear publishing his Sentiments during

during that King's life; but the Monarchy being now quite dissolv'd; and the Nation in a state of Anarchy, or (what was worse) groaning under a horrid Usurpation, he was not only at liberty, but even oblig'd as a good Citizen to offer a helping hand to his Countrymen, and to shew 'em such a Model of Government as he thought most conducing to their Tranquillity, Wealth, and Power: That the Cavaliers ought of all People to be best pleas'd with him, since if his Model succeeded, they were sure to enjoy equal Privileges with others, and so be deliver'd from their present Oppression; for in a well constituted Commonwealth there can be no distinction of Partys, the passage to Preferment is open to Merit in all persons, and no honest man can be uneasy: but that if the Prince should happen to be restor'd, his Doctrin of the Balance would be a light to shew him what and with whom he had to do, and so either to mend or avoid the Miscarriages of his Father; since all that is said of this doctrin may as well be accommodated to a Monarchy regulated by Laws, as to a Democracy or more popular form of a Commonwealth. He us'd to add on such occasions another reason of writing this Model, which was, That if it should ever be the fate of this Nation to be, like *Italy* of old, overrun by any barbarous People, or to have its Government and Records destroyed by the rage of some merciless Conqueror, they might not be then left to their own Invention in framing a new Government; for few People can be expected to succede so happily as the *Venetians* have don in such a case.

14. IN the mean time it was known to some of the Courtiers, that the Book was a printing; wherupon, after hunting it from one Press to another, they seiz'd their Prey at last, and convey'd it to *Whitehall*. All the solicitations he could make were not able to retrieve his Papers, till he remember'd that OLIVER's favorite Daughter, the Lady CLAYPOLE, acted the part of a Princess very naturally, obliging all persons with her civility, and frequently interceding for the unhappy. To this Lady, tho an absolute stranger to him, he thought fit to make his application; and being led into her Antichamber, he sent in his Name, with his humble request that she would admit him to her presence. While he attended, some of her Women coming into the room were follow'd by her little Daughter about three years old, who staid behind them. He entertained the Child so divertingly, that she suffer'd him to take her up in his arms till her Mother came; wherupon he stepping towards her, and setting the Child down at her feet, said, Madam, 'tis well you are com at this nick of time, or I had certainly stollen this pretty little Lady: Stollen her, reply'd the Mother! pray, what to do with her? for she is yet too young to become your Mistress. Madam, said he, tho her Charms assure her of a more considerable Conquest, yet I must confess it is not love but revenge that prompted me to commit this theft. Lord, answer'd the Lady again, what injury have I don you that you should steal my Child? None at all, reply'd he, but that you might be induc'd to prevail with your Father to do me justice, by restoring my Child that he has stollen. But she urging it was impossible, because her Father had Children enough of his own; he told her at last it was the issue of his brain which was misrepresented to the Protector, and taken out of the Press by his order. She immediatly promis'd to procure it for him, if it contain'd nothing prejudicial to her Father's Government; and he assur'd her it was only a kind of a Political Romance, so far from any

Treason

Treason against her Father, that he hop'd she would acquaint him that he design'd to dedicat it to him, and promis'd that she her self should be presented with one of the first Copys. The Lady was so well pleas'd with his manner of Address, that he had his Book speedily restor'd to him; and he did accordingly inscribe it to OLIVER CROMWEL, who, after the perusal of it, said, the Gentleman had like to trapan him out of his Power, but that what he got by the Sword he would not quit for a little paper Shot: adding in his usual cant, that he approv'd the Government of a single Person as little as any of 'em, but that he was forc'd to take upon him the Office of a High Constable, to preserve the Peace among the several Partys in the Nation, since he saw that being left to themselves, they would never agree to any certain form of Government, and would only spend their whole Power in defeating the Designs, or destroying the Persons of one another.

15. BUT nothing in the world could better discover CROMWEL's Diffimulation than this Speech, since HARRINGTON had demonstrated in his Book, that no Commonwealth could be so easily or perfectly establish'd as one by a sole Legillator, it being in his power (if he were a man of good Invention himself, or had a good Model propos'd to him by others) to set up a Government in the whole piece at once, and in perfection; but an Assembly, being of better Judgment than Invention, generally make patching work in forming a Government, and are whole Ages about that which is seldom or never brought by 'em to any perfection: but is commonly ruin'd by the way, leaving the noblest Attempts under reproach, and the Authors of 'em expos'd to the greatest dangers while they live, and to a certain infamy when dead. Wherefore the wisest Assemblies, in mending or making a Government, have pitch'd upon a sole Legillator, whose Model they could rightly approve, tho not so well digest; as Musicians can play in consort, and judg of an Air that is laid before them, tho to invent a part of Music they could never agree, nor succede so happily as one Person. If CROMWEL therefore had meant as he spoke, no man had ever such an opportunity of reforming what was amiss in the old Government, or setting up one wholly new, either according to the Plan of *Oceana*, or any other. This would have made him indeed a *Hero* superior in lasting fame to SOLON, LYCURGUS, ZALEUCUS, and CHARONDAS; and render his Glory far more resplendent, his Security greater, and his Renoun more durable than all the Pomp of his ill acquir'd Greatness could afford: wheras on the contrary he liv'd in continual fears of those he had enslav'd, dy'd abhor'd as a monstrous betrayer of those Libertys with which he was intrusted by his Country, and his Posterity not possessing a foot of what for their only sakes he was generally thought to usurp. But this last is a mistaken Notion, for som of the most notorious Tyrants liv'd and dy'd without any hopes of Children; which is a good reason why no mortal ought to be trusted with too much Power on that score. LYCURGUS and ANDREW DORIA, who, when it was in their power to continue Princes, chose rather to be the founders of their Countrys Liberty, will be celebrated for their Virtue thro the course of all Ages, and their very Names convey the highest Ideas of Godlike Generosity; while JULIUS CÆSAR, OLIVER CROMWEL, and such others as at any time enslav'd their

their fellow Citizens, will be for ever remember'd with detestation, and cited as the most execrable Examples of the vilest Treachery and Ingratitude. It is only a refin'd and excellent Genius, a noble Soul ambitious of solid Praise, a sincere lover of Virtue and the good of all Mankind, that is capable of executing so glorious an Undertaking as making a People free. 'Tis my fix'd opinion, that if the Protector's mind had the least tincture of true greatness, he could not be Proof against the incomparable Rewards propos'd by HARRINGTON in the *Corollary* of his *Oceana*; as no Prince truly generous, whether with or without Heirs, is able to resist their Charms, provided he has an opportunity to advance the happiness of his People. 'Twas this Disposition that brought the Prince of ORANGE to head us when we lately contend-ed for our Liberty; to this we ow those inestimable Laws we have obtain'd, since out of a grateful confidence we made him our King; and how great things, or after what manner, we may expect from him in time to com, is as hard to be truly conceiv'd as worthily express'd.

16. I SHALL now give som account of the Book it self, intitl'd by the Author, *The Commonwealth of Oceana*, a name by which he design'd *England*, as being the noblest Island of the *Northern Ocean*. But before I procede further, I must explain som other words occurring in this Book, which is written after the manner of a Romance, in imitation of PLATO's *Atlantic Story*, and is a method ordinarily follow'd by Lawgivers.

Adoxus	King JOHN.
Convallium	Hamton Court.
Coraunus	HENRY VIII.
Dicotome	RIHARD II.
Emporium	London.
Halcionia	The Thames.
Halo	Whitehall.
Hiera	Westminster.
Leviathan	HOBBS.
Marpesia	Scotland.
Morpheus	JAMES I.
Mount Celia	Windfor.
Neustrians	Normans.
Olphaus Megaletor	OLIVER CROMWEL.
Panopæa	Ireland.
Pantheon	Westminster Hall.
Panurgus	HENRY VII.
Parthenia	Queen ELIZABETH.
Scandians	Danes.
Teutons	Saxons.
Turbo	WILLIAM the Conqueror.
Verulamius	Lord Chancellor BACON.

17. THE Book consists of *Preliminarys* divided into two parts, and a third Section call'd the *Council of Legislators*; then follows the *Model* of the Commonwealth, or the body of the Book; and lastly coms the *Corollary* or Conclusion. The Preliminary Discourses contain the Principles, Generation, and Effects of all Governments, whether Monarchical, Aristocratical, or Popular, and their several Corruptions, as

Tyranny, Oligarchy, and Anarchy, with all the good or bad mixtures that naturally result from them. But the first part dos in a more particular manner treat of antient Prudence, or that genius of Government which most prevail'd in the world till the time of JULIUS CÆSAR. None can consult a more certain Oracle that would conceive the nature of Foren or Domestic Empire; the Balance of Land or Mony; Arms or Contracts; Magistracy and Judicatures; Agrarian Laws; Elections by the Ballot; Rotation of Officers, with a great many such heads, especially the inconveniencys and preeminences of each kind of Government, or the true comparision of 'em all together. These subjects have bin generally treated distinctly, and every one of them seems to require a Volum; yet I am of opinion that in this short Discourse there is a more full and clearer account of them, than can be easily found elsewhere; at least I must own to have receiv'd greater satisfaction here than all my reading before, and the same thing has bin frankly own'd to me by others.

18. THE second part of the Preliminarys treats of modern Prudence, or that genius of Government which has most obtain'd in the world since the expiration of the *Roman* Liberty, particularly the *Gothic* Constitution, beginning with the inundation of the barbarous Northern Nations over the *Roman* Empire. In this Discourse there is a very clear account of the *English* Government under the *Romans*, *Saxons*, *Danes*, and *Normans*, till the foundations of it were cunningly undermin'd by HENRY VII. terribly shaken by HENRY VIII. and utterly ruin'd under CHARLES I. Here he must read who in a little compass would completely understand the antient Feuds and Tenures, the original and degrees of our Nobility, with the inferior Orders of the rest of the People: under the *Saxons*, what was meant by Ealdorman, or Earls; King's Thane; middle Thane or Vavafors; their Shiremoots, Sherifs, and Viscounts; their Halymoots, Weidenagemoots, and such others. Here likewise one may learn to understand the Baronage of the *Normans*, as the Barons by their Possessions, by Writ, or by Letters Patent; with many other particulars which give an insight into the springs and management of the Barons Wars, so frequent and famous in our Annals. The rest of this Discourse is spent in shewing the natural Causes of the dissolution of the *Norman* Monarchy under CHARLES the First, and the generation of the Commonwealth, or rather the Anarchy that succeeded.

19. NEXT follows the Council of Legislators: for HARRINGTON being about to give the most perfect Model of Government, he made himself master of all the Antient and Modern Politicians, that he might as well imitat whatever was excellent or practicably in them, as his care was to avoid all things which were impracticable or inconvenient. These were the justest measures that could possibly be taken by any body, whether he design'd to be rightly inform'd, and sufficiently furnish'd with the best materials; or whether he would have his Model meet with an easy reception; for since his own Sentiments (tho never so true) were sure to be rejected as privat Speculations or impracticable Chimeras, this was the readiest way to make 'em pass currently, as both autoriz'd by the wisest men in all Nations, and as what in all times and places had bin practis'd with success. To this end therefore he introduces, under feign'd names, nine Legislators, who perfectly understood the several Governments they were appointed

appointed to represent. The Province of the first was the Commonwealth of *Israel*; that of the second, *Athens*; of the third, *Sparta*; of the fourth, *Carthage*; of the fifth, the *Achæans*, *Ætolians*, and *Lycians*; of the sixth, *Rome*; of the seventh, *Venice*; of the eighth, *Switzerland*; and of the ninth, *Holland*. Out of the Excellencys of all these, supply'd with the Fruits of his own invention, he fram'd the Model of his *Oceana*; and indeed he shews himself in that work so throly vers'd in their severall Historys and Constitutions, that to any man who would rightly understand them, I could not easily recommend a more proper Teacher: for here they are dissected and laid open to all Capacities, their Perfections applauded, their Inconveniencys expos'd, and parallels frequently made between 'em no less entertaining than useful. Nor are the Antient and Modern *Eastern* or *European* Monarchys forgot, but exhibited with all their Advantages and Corruptions, without the least dissimulation or partiality.

20. AS for the *Model*, I shall say nothing of it in particular, as well because I would not forestall the pleasure of the Reader, as by reason an Abridgment of it is once or twice made by himself, and inserted among his Works. The method he observes is to lay down his Orders or Laws in so many positive Propositions, to each of which he subjoins an explanatory Discourse; and if there be occasion, adds a Speech suppos'd to be deliver'd by the Lord ARCHON, or som of the Legislators. These Speeches are extraordinary fine, contain a world of good Learning and Observation, and are perpetual Commentaries on his Laws. In the *Corollary*, which is the conclusion of the whole Work, he shews how the last hand was put to his Commonwealth; which we must not imagin to treat only of the Form of the Senat and Assemblys of the People, or the manner of waging War and governing in Peace. It contains besides, the Disciplin of a National Religion, and the security of a Liberty of Conscience; a Form of Government for *Scotland*, for *Ireland*, and the other Provinces of the Commonwealth; Governments for *London* and *Westminster*, proportionably to which the other Corporations of the Nation are to be model'd; Directions for the incouraging of Trade; Laws for regulating Academys; and most excellent Rules for the Education of our Youth, as well to the Wars or the Sea, to Manufactures or Husbandry, as to Law, Phyfic, or Divinity, and chiefly to the breeding and true figure of accomplish'd Gentlemen: There are admirable Orders for reforming the Stage; the number, choice, and business of the Officers of State and the Revenue, with all sorts of Officers; and an exact account both of their Salaries, and the ordinary yearly charge of the whole Commonwealth, which for two rarely consistent things, the grandeur of its State, and the frugal management of its Revenues, exceeds all the Governments that ever were. I ought not to omit telling here, that this Model gives a full answer to those who imagin that there can be no Distinctions or Degrees, neither Nobility nor Gentry in a Democracy, being led into this mistake, because they ignorantly think all Commonwealths to be constituted alike; when, if they were but never so little vers'd in History, they might know that no Order of men now in the world can com near the Figure that was made by the Noblemen and Gentlemen of the *Roman* State: nor in this respect dos the Commonwealth of *Oceana* com any thing behind them; for, as HARRINGTON says very truly, *an Army may as well consist of Soldiers without Officers, or of*
Officers

Officers without Soldiers, as a Commonwealth (especially such a one as is capable of Greatness) consist of a People without a Gentry, or of a Gentry without a People. So much may suffice for understanding the scope of this Book: I shall only add, that none ought to be offended with a few odd terms in it, such as the Prime Magnitude, the Pillar of *Nilus*, the Galaxy, and the Tropic of Magistrates, since the Author explains what he means by 'em, and that any other may call 'em by what more significative names he pleases; for the things themselves are absolutely necessary.

21. NO sooner did this Treatise appear in public, but it was greedily bought up, and become the subject of all mens discourse. The first that made exceptions to it was Dr. HENRY FERNE, afterwards Bishop of *Chester*. The Lady ASHTON presented him with one of the Books, and desir'd his opinion of it, which he quickly sent in such a manner as shew'd he did not approve of the Doctrin, tho he treated the Person and his Learning with due respect. To this Letter a reply was made, and some Querys sent along with it by HARRINGTON, to every one of which a distinct Answer was return'd by the Doctor; which being again confuted by HARRINGTON, he publish'd the whole in the year 1656, under the title of *Pian Piano, or an Intercourse between H. FERNE Doctor in Divinity, and JAMES HARRINGTON Esq; upon occasion of the Doctor's Censure of the Commonwealth of Oceana.* 'Tis a Treatise of little importance, and contains nothing but what he has much better discours'd in his answers to other Antagonists, which is the reason that I give the Reader no more trouble about it.

22. THE next that wrote against *Oceana* was MATTHEW WREN, eldest Son to the Bishop of *Ely*. His Book was intitl'd *Considerations*, and restrain'd only to the first part of the Preliminaries. To this our Author publish'd an answer in the first Book of his *Prerogative of Popular Government*, where he enlarges, explains, and vindicates his Assertions. How unequal this Combat was, and after what manner he treated his Adversary, I leave the Reader to judg; only minding him that as WREN was one of the *Virtuosi* who met at Dr. WILKINS's (the Seminary of the now Royal Society) HARRINGTON jokingly said, That *they had an excellent faculty of magnifying a Louse, and diminishing a Commonwealth.* But the Subjects he handles on this occasion are very curious, and reduc'd to the twelve following Questions.

(1.) WHETHER Prudence (or the Politics) be well distinguish'd into Antient and Modern?

(2.) WHETHER a Commonwealth be rightly defin'd to be a Government of Laws and not of men; and Monarchy to be a Government of som men or a few men, and not of Laws?

(3.) WHETHER the Balance of Dominion in Land be the natural cause of Empire?

(4.) WHETHER the Balance of Empire be well divided into National and Provincial? and whether these two, or any Nations that are of a distinct Balance, coming to depend on one and the same head, such a mixture creates a new Balance?

(5.) WHETHER there be any common Right or Interest of Mankind distinct from the Interest of the parts taken severally? and how by the orders of a Commonwealth this may best be distinguish'd from privat Interest?

(6.) W H E-

(6.) WHETHER the *Senatusconsulta*, or Decrees of the *Roman* Senat, had the power of Laws?

(7.) WHETHER the Ten Commandments, propos'd by God or MOSES, were voted and past into Laws by the People of *Israel*?

(8.) WHETHER a Commonwealth, coming up to the perfection of the Kind, coms not up to the perfection of Government, and has no flaw in it? that is, whether the best Commonwealth be not the best Government?

(9.) WHETHER Monarchy, coming up to the perfection of the Kind, coms not short of the perfection of Government, and has not som flaw in it? that is, whether the best Monarchy be not the worst Government? Under this head are also explain'd the Balance of *France*, the Original of a Landed Clergy, Arms, and their several kinds.

(10.) WHETHER any Commonwealth, that was not first broken or divided by it self, was ever conquer'd by any Monarch? where he shews that none ever were, and that the greatest Monarchys have bin broken by very small Commonwealths.

(11.) WHETHER there be not an *Agrarian*, or som Law or Laws to supply the defects of it, in every Commonwealth? Whether the *Agrarian*, as it is stated in *Oceana*, be not equal and satisfactory to all Interests or Partys?

(12.) WHETHER a Rotation, or Courses and Turns, be necessary to a welorder'd Commonwealth? in which is contain'd the *Preamble* or Courses of *Israel* before the Captivity, together with an Epitome of the Commonwealth of *Athens*, as also another of the Commonwealth of *Venice*.

23. THE second Book of the *Prerogative of Popular Government* chiefly concerns Ordination in the Christian Church, and the Orders of the Commonwealth of *Israel*, against the opinions of Dr. HAMMOND, Dr. SEAMAN, and the Authors they follow. His Dispute with these learned Persons (the one of the Episcopal, and the other of the Presbyterian Communion) is comprehended in five Chapters.

(1.) THE first, explaining the words *Chirotonia* and *Chirothesia* paraphrastically relates the Story of the Perambulation made by the Apostles PAUL and BARNABAS thro the Citys of *Lycaonia*, *Pisidia*, &c.

(2.) THE second shews that those Citys, or most of 'em were at the time of this Perambulation under Popular Government; in which is also contain'd the whole Administration of a *Roman* Province.

(3.) THE third shews the deduction of the *Chirotonia*, or holding up of hands, from Popular Government, and that the original of Ordination is from this custom: in which is also contain'd the Institution of the *Sanhedrim* or Senat of *Israel* by MOSES, and of that of *Rome* by ROMULUS.

(4.) THE fourth shews the deduction of the *Chirothesia*, or the laying on of hands, from Monarchical or Aristocratical Government, and so the second way of Ordination procedes from this custom: here is also declar'd how the Commonwealth of the *Jews* stood after the Captivity.

(5.) THE fifth debates whether the *Chirotonia* us'd in the Citys mention'd was (as is pretended by Dr. HAMMOND, Dr. SEAMAN, and the Authors they follow) the same with the *Chirothesia*, or a far different

different thing. In which are contain'd the divers kinds of Church Government introduc'd and exercis'd in the age of the Apostles. By these heads we may perceive that a great deal of useful Learning is contain'd in this Book; and questionless he makes those Subjects more plain and intelligible than any Writer I ever yet consulted.

24. AGAINST *Oceana* chiefly did RICHARD BAXTER write his *Holy Commonwealth*, of which our Author made so slight that he vouchsaf'd no other answer to it but half a sheet of Cant and Ridicule. It does not appear that he rail'd at all the Ministers as a parcel of Fools and Knaves. But the rest of BAXTER's complaint seems better grounded, as that HARRINGTON maintain'd *neither he nor any Ministers understood at all what Polity was, but prated against they knew not what, &c* This made him publish his *Holy Commonwealth* in answer to HARRINGTON's *Heathenish Commonwealth*; in which, adds he, *I plead the Cause of Monarchy as better than Democracy or Aristocracy*; an odd way of modelling a Commonwealth. And yet the Royalists were so far from thinking his Book for their service, that in the year 1683 it was by a Decree of the University of Oxford condemn'd to be publickly burnt, which Sentence was accordingly executed upon it, in company with som of the Books of HOBBS, MILTON, and others; whereas no censure past on HARRINGTON's *Oceana*, or the rest of his Works. As for Divines meddling with Politics, he has in the former part of the Preliminaries to *Oceana* deliver'd his Opinion, *That there is something first in the making of a Commonwealth, then in the governing of it, and last of all in the leading of its Armys, which (tho there be great Divines, great Lawyers, great Men in all Professions) seems to be peculiar only to the genius of a Gentleman: for it is plain in the universal series of story, that if any man founded a Commonwealth, he was first a Gentleman*; the truth of which Assertion he proves from MOSES downwards.

25. BEING much importun'd from all hands to publish an Abridgment of his *Oceana*, he consented at length; and so, in the year 1659, was printed his *Art of Lawgiving* (or of Legislation) in three Books. The first, which treats of the *Foundations and Superstructures of all kinds of Government*, is an abstract of his Preliminaries to the *Oceana*: and the third Book, shewing a *Model of Popular Government fitted to the present State or Balance of this Nation*, is an exact Epitome of his *Oceana*, with short Discourses explaining the Propositions. By the way, the Pamphlet called the *Rota* is nothing else but these Propositions without the Discourses, and therefore to avoid a needless repetition not printed among his Works. The second Book between these two, is a full *Account of the Commonwealth of Israel, with all the variations it underwent*. Without this Book it is plainly impossible to understand that admirable Government concerning which no Author wrote common sense before HARRINGTON, who was perswaded to complete this Treatise by such as observ'd his judicious Remarks on the same Subject in his other Writings. To the *Art of Lawgiving* is annex'd a small Dissertation, or a *Word concerning a House of Peers*, which to abridg were to transcribe.

26. IN the same year, 1659, WREN comes out with another Book call'd *Monarchy asserted*, in vindication of his *Considerations*. If he could not press hard on our Author's Reasonings, he was resolv'd to overbear him with impertinence and calumny, treating him neither with the respect due to a Gentleman, nor the fair dealing becoming an inge-

ingenuous Adversary, but on the contrary with the utmost Chicanery and Insolence. The least thing to be admir'd is, that he would needs make the University a Party against him, and bring the heavy weight of the Church's displeasure on his shoulders: for as corrupt Ministers stile themselves the Government, by which Artifice they oblige better men to suppress their Complaints, for fear of having their Loyalty suspected; so every ignorant Pedant that affronts a Gentleman, is presently a Learned University; or if he is but in Deacons Orders, he's forthwith transform'd into the Catholic Church, and it becomes Sacrilege to touch him. But as great Bodys no less than privat Persons, grow wiser by Experience, and com to a clearer discernment of their true Interest: so I believe that neither the Church nor Universitys will be now so ready to espouse the Quarrels of those, who, under pretence of serving them, ingage in Disputes they no ways understand, wherby all the discredit redounds to their Patrons, themselves being too mean to suffer any diminution of Honor. HARRINGTON was not likewise less blamable in being provok'd to such a degree by this pitiful Libel, as made him forget his natural character of gravity and greatness of mind. Were not the best of men subject to their peculiar weaknesses, he had never written such a Farce as his *Politicaster, or Comical Discourse in answer to Mr. WREN*. It relates little or nothing to the Argument, which was not so much amiss, considering the ignorance of his Antagonist: but it is of so very small merit, that I would not insert it among his other Works, as a piece not capable to instruct or please any man now alive. I have not omitted his *Answer to Dr. STUBBE concerning a select Senat*, as being so little worth; but as being only a repetition of what he has much better and more amply treated in som of his other pieces. Now we must note that upon the first appearance of his *Oceana* this STUBBE was so great an admirer of him, that, in his Preface to the *Good Old Cause*, he says *he would inlarge in his praise, did he not think himself too inconsiderable to add any thing to those Applauses which the understanding part of the World must bestow upon him, and which, tho Eloquence should turn Panegyrist, he not only merits but transcends.*

27. OTHER Treatises of his, which are omitted for the same reason, are, 1. *A Discourse upon this Saying: the Spirit of the Nation is not yet to be trusted with Liberty, lest it introduce Monarchy, or invade the Liberty of Conscience*; which Proposition he disapprov'd. 2. *A Discourse shewing that the Spirit of Parlements, with a Council in the intervals, is not to be trusted for a Settlement, lest it introduce Monarchy, and Persecution for Conscience.* 3. *A Parallel of the spirit of the People with the spirit of Mr. ROGERS, with an Appeal to the Reader whether the spirit of the People, or the spirit of men like Mr. ROGERS be the fitter to be trusted with the Government.* This ROGERS was an Anabaptist, a seditious Enthusiast, or fifthmonarchy man. 4. *Pour enclouer le canon, or the nailing of the Enemys Artillery.* 5. *The stumbling block of Disobedience and Rebellion, cunningly imputed by PETER HEYLIN to CALVEN, remov'd in a Letter to the said P. H. who wrote a long Answer to it in the third part of his Letter combat.* 'Tis obvious by the bare perusal of the Titles, that these are but Pamphlets solely calculated for that time; and it certainly argues a mighty want of Judgment in those Editors who make no distinction between the elaborat Works which an Author intended for universal benefit, and his more slight

slight or temporary Compositions, which were written to serve a present turn, and become afterwards not only useless, but many times not intelligible. Of this nature are the Pieces I now mention'd: all their good things are much better treated in his other Books, and the personal Reflections are (as I said before) neither instructive nor diverting. On this occasion I must signify, that tho the History I wrote of MILTON's Life be prefixed to his Works, yet I had no hand in the Edition of those Volumes; or otherwise his Logic, his Grammar, and the like, had not increas'd the bulk or price of his other useful Pieces. Our Author translated into *English Verse* some of *Virgil's Eclogs*, and about six Books of his *Æneids*; which, with his Epigrams, and other Poetical Conceits, are neither worthy of him nor the light.

28. SOM other small Books he wrote which are more deserving, and therefore transmitted to Posterity with his greater Works; namely, 1. *Valerius and Publicola, or; the true form of a Popular Commonwealth*, a Dialog. 2. *Political Aphorisms*, in number 120. 3. *Seven Models of a Commonwealth, Antient and Modern; or brief Directions shewing how a fit and perfect Model of Popular Government may be made, found, or understood*. These are all the Commonwealths in the World for their kinds, tho not for their number. 4. *The Ways and means wherby an equal and lasting Commonwealth may be suddenly introduc'd, and perfectly founded, with the free consent and actual confirmation of the whole People of England*. 5. There is added, *The Petition of divers well affected Persons*, drawn up by HARRINGTON, and containing the Abstract of his *Oceana*; but presented to the House of Commons by HENRY NEVIL the 6th of July 1659, to which a satisfactory answer was return'd, but nothing don. 6. Besides all these, finding his Doctrin of Elections by Balloting not so well understood as could be desir'd, he publish'd on one side of a large sheet of Paper, his *use and manner of the Ballot*, with a copper Cut in the middle representing such an Election in the great Assembly of the Commonwealth: but 'tis now inserted in its proper place in the body of *Oceana*. Most of these contain Abridgments of his Model, adapted to the various Circumstances and Occurrences of those times; but containing likewise some Materials peculiar to themselves, and for that reason thought fit to be printed a second time. He did not write *the Grounds and Reasons of Monarchy exemplify'd in the Scottish Line* (which Book is prefix'd to his Works) but one JOHN HALL, born in the City of *Durham*, educated at *Cambridg*, and a Student of *Grays Inn*. Being commanded by the Council of State (of whom he had a yearly Pension) to attend OLIVER into *Scotland*, it occasion'd him to publish that Piece. He wrote several other things in Prose and Verse, and dy'd before he was full thirty, lamented as a Prodigy of his Age.

29. HARRINGTON having thus exhausted all that could be written on this Subject, he likewise endeavor'd to promote his Cause by public discourses at a nightly meeting of several curious Gentlemen in the *New Palace Yard at Westminster*. This Club was call'd the *Rota*, of which I shall give a short account from ANTHONY WOOD, who mortally hated all Republicans, and was as much prejudic'd in favor of the Royalists, tho, to his honor be it spoken, he never deny'd justice to either side. " Their Discourses about Government, says he, and of ordering a Commonwealth, were the most ingenious and smart that
" ever

“ ever were heard; for the Arguments in the Parliament house were
 “ but flat to those. This Gang had a balloting Box, and balloted how
 “ things should be carry’d by way of Essay; which not being us’d or
 “ known in *England* before on this account, the room was every even-
 “ ing very full. Besides our Author and H. NEVIL, who were the
 “ prime men of this Club, were CYRIAC SKINNER, Major
 “ WILDMAN, Major VENNER, CHARLES WOLSLEY afterwards
 “ knighted, ROGER COKE the Author of the *Detection of the four*
 “ *last Reigns*, WILLIAM POULTNEY afterwards made a
 “ Knight, JOHN AUBRY, MAXIMILIAN PETTY, and Dr. PET-
 “ TY who was afterwards Sir WILLIAM, Sir JOHN HOSKYNs,
 “ and a great many others, som wherof are still living.——
 “ The Doctrin was very taking, and the more because, as to human
 “ foresight, there was no possibility of the King’s return. The great-
 “ est of the Parliamentmen hated this Rotation and Balloting, as being
 “ against their Power. Eight or ten were for it, of which number
 “ H. NEVIL was one, who propos’d it to the House, and made it
 “ out to the Members, that, except they imbrac’d that sort of Govern-
 “ ment, they must be ruin’d. The Model of it was, that the third
 “ part of the Senat or House should rote out by Ballot every year
 “ (not capable of being elected again for three years to com) so that
 “ every ninth year the Senat would be wholly alter’d. No Magi-
 “ strat was to continue above three years, and all to be chosen by the
 “ Ballot, than which nothing could be invented more fair and impar-
 “ tial, as ’twas then thought, tho oppos’d by many for several rea-
 “ sons. This Club of Commonwealthsmen lasted till about the 21st
 “ of Feb. 1659, at which time the secluded Members being restor’d
 “ by General GEORGE MONK, all their Models vanish’d.

30. WHEN the whole matter is duly consider’d, it’s impossible a
 Commonwealth should have succeded in *England* at that time, since
 CROMWEL, who alone had the Power, yet wanted the Will to set it
 up. They were comparatively but very few that entertain’d such a
 Design from the beginning of the Troubles; and, as it usually hap-
 pens, a great part of these did afterwards desert their Principles, be-
 ing seduc’d by the Honors and Preferments wherby they were re-
 tain’d in the Service of the reigning Powers. The body of the Peo-
 ple were either exasperated on a religious account, only to obtain that
 Liberty which they afterwards mutually deny’d each other, or by the
 change of the Balance they grew weary of Monarchy, and did not
 know it. The Republicans indeed made an advantage of their Dis-
 contents to destroy the establish’d Government, without acquainting
 ’em with their real Designs; and when this was effectually don, the
 People (who had no settl’d Form in their view, and thought all things
 safe by the victory they had gain’d over the King and the Church)
 fell in with what was first offer’d by those in whom they confided, and
 would as well have accepted a better Government if they had bin ma-
 nag’d by men of honest and public Designs. But the Multitude can
 feel, tho they cannot see. Instead of injoying their desir’d Liberty,
 they soon found themselves under a most heavy Yoke, which they na-
 turally labor’d to shake off; and yet in all the changes then made, two
 things were remarkable, that every one of ’em would be stil’d a
 Commonwealth, and yet none of ’em would mend or take warning
 by the Errors of those that preceded, but still continu’d to abuse the
 H Nation,

Nation, and unnaturally to ingross the Government into a few hands. The People being all this while told they were under a Commonwealth, and not being able to see thro the deceit, begun to think themselves mistaken in the choice they had made, since their sufferings under these pretended Commonwealths were infinitely greater than what induc'd 'em to dissolve the former Monarchy. In this condition the several Partys might (as HARRINGTON us'd to say) be fitly compar'd to a company of Puppydogs in a bag, where finding themselves uneasy for want of room, every one of 'em bites the tail or foot of the next, supposing that to be the cause of his misery. By this means whatever was said against a Commonwealth obtain'd ready belief, as, that it is the most seditious sort of Government, and that instead of one Tyrant there are a great many who enrich themselves by laying intolerable Taxes on others. All this and much more the People in *England* then experienc'd, and therefore detesting their new Commonwealth, they restor'd the old Monarchy. But to do all Governments the Justice due from an impartial Historian, they never had a Commonwealth, but were interchangeably under Anarchy, Tyranny, and Oligarchy, to which Commonwealths have ever bin the greatest enemies, and have frequently lent their voluntary assistance to deliver other Nations from the like oppressions. Thus the People of *England* came to hate the name of a Commonwealth, without loving their Liberty the less.

31. BUT to return whence we digress'd: Our Author, not concern'd in the excessive fears and hopes of those that favor'd or oppos'd the Restoration of CHARLES the Second, continu'd to live in a peaceable manner at his one house, demeaning himself as became a person blindly engag'd to no Party or Factions. But tho his Life was retir'd, it was not solitary, being frequented with people of all sorts, som with a malicious design to fish something to his prejudice, and others to gain advantage to themselves by his learned Conversation, or to put him upon something towards the better settlement of the Kingdom. Among these there was an eminent Royalist who prevail'd with him to draw up som Instructions for the King's service, whereby he might be inabl'd to govern with satisfaction to the People and safety to himself: which being perform'd and sign'd with his one hand, his Friend after shewing it to several of the Courtiers, found they did not approve a Scheme that was not likely to further their selfish Designs. At last he put his Paper into the hands of a great Minister about the King; and how well our Author was rewarded for his good Intentions, we are now going to relate. About this time he was busy in reducing his Politics into short and easy *Aphorisms*, yet methodically digested in their natural order, and suted to the most vulgar capacitys. Of this he made no secret, and freely communicated his Papers to all that visited him. While he was putting the last hand to this System, and as an innocent man apprehensive of no danger, he was by an Order from the King, on the 28th of *December* 1661, seiz'd by Sir WILLIAM POULTNEY and others, and committed to the Tower of *London* for treasonable Designs and Practices. He had the written sheets of his Aphorisms then lying loose on the table before him, and understanding they intended to carry 'em to the Council, he beg'd the favor that he might stich 'em together; which was granted, and so remov'd with som other Papers to *Whitehall*. I have that Manuscript now in my hands, and another Copy of

of the same which was given me by one of his acquaintance, from both which I have printed it among the rest of his Works. It is a complete *System of Politics*, and discovers the true Springs of the rise, temper, and dissolution of all sorts of Governments, in a very brief and perspicuous manner.

32. HE had no time given him to take leave of any body, but was straight convey'd to the Tower, where none were allow'd to com to his sight or speech. His Sisters were inconsolable, and the more so, the less they knew what was laid to their Brother's charge. One of them, who on another occasion had experienc'd the King's favor, threw herself now at his feet, and petition'd him to have compassion on her Brother, who thro a great mistake was fallen under his Majesty's displeasure: for as she was sure that none of his Subjects exceded his Loyalty, so his Majesty might see he was not the man they design'd, since the Warrant was for Sir JAMES HARRINGTON, whereas her Brother was never honor'd with such a Title by his Majesty's Ancestors, and he would not have accepted it from OLIVER. To this the King made answer, that tho they might be mistaken in his Title, he doubted he might be found more guilty of the Crimes alleg'd against him, than he wish'd any Brother of hers to be. Then she press'd he might be examin'd before his Majesty, or be brought to a speedy trial. Shortly after my Lord LAUDERDALE, Sir GEORGE CARTERET, and Sir EDWARD WALKER were sent to the Tower to question him about a Plot which, they said, he had contriv'd against his Majesty's Person and Government. At this he was extraordinarily reviv'd, not being able to divine before the cause of his Confinement, and knowing himself wholly innocent of this Charge. He found means to transmit a Copy of his Examination to his Sisters, giving 'em leave to publish it, which was never hitherto don, and is as follows.

33. *THE Examination of JAMES HARRINGTON, taken in the Tower of London by the Earl of LAUDERDALE, Sir GEORGE CARTERET, and Sir EDWARD WALKER.*

LORD LAUDERDALE. Sir, I have heretofore accounted it an honor to be your Kinsman, but am now sorry to see you upon this occasion; very sorry I assure you.

HARRINGTON. My Lord, seeing this is an occasion, I am glad to see you upon this occasion. Which said, the Commissioners sat down; and Mr. HARRINGTON standing before my Lord, he began in this manner:

Lord. SIR, the King thinks it strange that you, who have so eminently appear'd in Principles contrary to his Majesty's Government, and the Laws of this Nation, should ever since he came over live so quiet and unmolested, and yet should be so ungrateful. Were you disturb'd? were you so much as affronted, that you should enter into such desperat practices?

Har. MY Lord, when I know why this is said, I shall know what to say.

Lord.

Lord. WELL then, without any longer preamble, will you answer me ingenuously, and as you are a Gentleman, to what I have to propose?

Har. MY Lord, I value the asseveration (*as I am a Gentleman*) as high as any man, but think it an asseveration too low upon this occasion; wherefore, with your leave, I shall make use of some greater asseveration.

Lord. FOR that do as you see good: do you know Mr. WILDMAN?

Har. MY Lord, I have some acquaintance with him.

Lord. WHEN did you see him?

Har. MY Lord, he and I have not bin in one house together these two years.

Lord. WILL you say so?

Har. YES, my Lord.

Lord. WHERE did you see him last?

Har. ABOUT a year ago I met him in a street that goes to *Drury-lane*.

Lord. DID you go into his house?

Har. NO, my Lord.

Sir G. Carteret. THAT's strange!

Lord. COM, this will do you no good: Had not you, in *March* last, meetings with him in *Bowstreet* in *Coventgarden*? where there were about twenty more of you; where you made a Speech about half an hour long, that they should lay by distinguishing Names, and betake themselves together into one Work, which was to dissolve this Parliament, and bring in a new one, or the old one again. Was not this meeting adjourn'd from thence to the *Mill Bank*? were not you there also?

Har. MY Lord, you may think, if these things be true, I have no refuge but to the mercy of God and of the King.

Lord. TRUE.

Har. WELL then, my Lord, solemnly and deliberately, with my eyes to Heaven, I renounce the mercy of God and the King, if any of this be true, or if ever I thought or heard of this till now that you tell it me.

Sir G. C. THIS is strange!

Lord. DO you know BAREBONES?

Har. YES, my Lord.

Lord. WHEN did you see him?

Har. I THINK that I have call'd at his house or shop thrice in my life.

Lord. HAD you never any meetings with him since the King came over?

Har. NO, my Lord.

Sir G. C. THIS is strange!

Lord. DO you know Mr. NEVIL?

Har. VERY well, my Lord.

Lord. WHEN did you see him?

Har. MY Lord, I seldom us'd to visit him; but when he was in Town, he us'd to see me at my house every evening, as duly almost as the day went over his head.

Lord.

Lord. WERE you not with him at som public meeting?

Har. MY Lord, the publickest meeting I have bin with him at, was at dinner at his own lodging, where I met Sir BERNARD GASCOIN, and I think Col. LEG.

Sir Edw. Walker. THEY were good safe company.

Lord. WHAT time was it?

Har. IN Venifon time I am sure, for we had a good Venifon pasty.

Lord. DO you know one PORTMAN?

Har. NO, my Lord, I never heard of his name before.

Sir G. C. THIS is strange!

Lord. COM, deal ingenuously, you had better confes the things.

Har. MY Lord, you do not look upon me (for I saw he did not firmly) I pray look upon me. Do you not know an innocent face from a guilty one? com, you do, my Lord, every one dos: My Lord, you are great Men, you com from the King, you are the Messengers of Death.

Lord. IS that a small matter? (at which my Lord gave a shrug.)

Har. IF I be a Malefactor, I am no old Malefactor: why am not I pale? why do not I tremble? why dos not my tongue falter? why have you not taken me tripping? My Lord, these are unavoidable symtoms of guilt. Do you find any such thing in me?

Lord. NO (which he spoke with a kind of amazement) and then added, I have said all that I think I have to say.

Har. MY Lord, but I have not.

Lord. COM then.

Har. THIS plainly is a practice, a wicked practice, a practice for innocent Blood; and as weak a one as it is wicked. Ah, my Lord, if you had taken half the pains to examin the Guilty that you have don to examin the Innocent, you had found it; it could not have escap'd you. Now, my Lord, consider if this be a practice, what kind of persons you are that are thus far made instrumental in the hands of wicked men. Nay, whither will wickedness go? Is not the King's Authority (which should be sacred) made instrumental? My Lord, for your own sake, the King's sake, for the Lord's sake, let such Villanys be found out and punish'd. At this my Lord LAUDERDALE, as was thought somewhat out of countenance, rose up; and fumbling with his hand upon the Table, said:

Lord. WHY if it be as you say, they deserve punishment enough, but otherwise look it will com severely upon you.

Har. MY Lord, I accepted of that condition before.

Lord. COM, Mr. Vice-Chamberlain, it is late.

Har. MY Lord, now if I might I could answer the Preamble.

Lord. COM, say; and so he sat down again.

Har. MY Lord, in the Preamble you charge me with being eminent in Principles contrary to the King's Government, and the Laws of this Nation. Som, my Lord, have aggravated this, saying, that *I being a privat man have bin so mad as to meddle with Politics: what had a privat man to do with Government?* My Lord, there is not any public Person, not any Magistrat, that has written in the Politics worth a button. All they that have bin excellent in this way, have bin privat men, as privat men, my Lord, as my self. There is PLATO, there is ARISTOTLE, there is LIVY, there is MACCHIAVEL. My Lord, I can sum up ARISTOTLE's *Politics* in a very few words;

he says there is the barbarous Monarchy (such a one where the People have no Votes in making the Laws) he says there is the Heroic Monarchy (such a one where the People have their Votes in making the Laws) and then he says there is Democracy; and affirms that a man cannot be said to have Liberty, but in a Democracy only.

MY Lord LAUDERDALE, who thus far had bin very attentive at this shew'd som impatience.

Har. I SAY, ARISTOTLE says so; I have not said so much. And under what Prince was it? Was it not under ALEXANDER, the greatest Prince then in the World? I beseech you, my Lord, did ALEXANDER hang up ARISTOTLE, did he molest him? LIVY for a Commonwealth is one of the fullest Authors; did not he write under AUGUSTUS CÆSAR? did CÆSAR hang up LIVY, did he molest him? MACCHIAVEL, what a Commonwealthsman was he? but he wrote under the *Medici* when they were Princes in *Florence*; did they hang up MACCHIAVEL, or did they molest him? I have don no otherwise than as the greatest Politicians, the King will do no otherwise than as the greatest Princes. But, my Lord, these Authors had not that to say for themselves that I have; I did not write under a Prince, I wrote under a Usurper, OLIVER. He having started up into the Throne, his Officers (as pretending to be for a Commonwealth) kept a murmuring, at which he told them that he knew not what they meant, nor themselves; but let any of them shew him what they meant by a Commonwealth (or that there was any such thing) they should see that he sought not himself: the Lord knew he sought not himself, but to make good the Cause. Upon this som sober men came to me and told me, if any man in *England* could shew what a Commonwealth was, it was my self. Upon this persuasion I wrote; and after I had written, OLIVER never answer'd his Officers as he had don before, therefore I wrote not against the King's Government. And for the Law, if the Law could have punish'd me, OLIVER had don it; therefore my Writing was not obnoxious to the Law. After OLIVER the Parliament said they were a Commonwealth; I said they were not, and prov'd it: infomuch that the Parliament accounted me a Cavalier, and one that had no other design in my writing, than to bring in the King; and now the King first of any man makes me a Roundhead.

Lord. THESE things are out of doors; if you be no Plotter, the King dos not reflect upon your writings.

AND so rising up, they went out: my Lord being at the head of the stairs, I said to him, My Lord, there is one thing more; you tax me with Ingratitude to the King, who had suffer'd me to live undisturb'd: truly, my Lord, had I bin taken right by the King, it had (by this Example already given) bin no more than my due. But I know well enough I have bin mistaken by the King; the King therefore taking me for no Friend, and yet using me not as an Enemy, is such a thing as I have mention'd to all I have convers'd with, as a high Character of Ingenuity and Honor in the King's Nature.

Lord. I AM glad you have had a sense of it; and so went down.

Har. MY Lord, it is my duty to wait on you no farther.

34. NOTWITHSTANDING the apparent Innocence of our Author, he was still detain'd a close Prisoner; and Chancellor
HIDE,

HIDE, at a Conference of the Lords and Commons, charg'd him with being concern'd in a Plot, wherof one and thirty persons were the chief managers after this manner: That they met in *Bowstreet Coventgarden*, in *St. Martins le grand*, at the *Mill Bank*, and in other places; and that they were of seven different Partys or Interests, as three for the Commonwealth, three for the Long Parliament, three for the City, three for the Purchasers, three for the Disbanded Army, three for the Independents, and three for the Fifthmonarchy men. That their first Consideration was how to agree on the choice of Parliamentmen against the ensuing Session; and that a special care ought to be had about Members for the City of *London*, as a precedent for the rest of the Kingdom to follow, wherupon they nominated the four Members after chosen, and now sitting in Parliament: but three of these, being then present, stood up, and clear'd themselves of this Aspersions. Their next care was to frame a Petition to the Parliament for a preaching Ministry, and Liberty of Conscience. Then they were to divide and subdivide themselves into several Councils and Committees, for the better carrying on their business by themselves or their Agents and Accomplices all over the Kingdom. In these Meetings HARRINGTON was said to be often in the Chair; that they had taken an Oath of Secrecy, and concerted measures for levying Men and Mony.

35. THE Chancellor added, that tho he had certain Information of the times and places of their meetings, and particularly those of HARRINGTON and WILDMAN, they were nevertheless so fixt in their nefarious design, that none of those they had taken would confess any thing, not so much as that they had seen or spoken to one another at those times or places; which obstinacy, he thought, must needs procede from a faithfulness to their Oath. But a Committee of Lords and Commons, after several sittings, could make nothing of this imaginary Plot, and did not ever name our Author in all their Reports.

36. HIS Sisters in the mean time being impatient to see him, and to know his Condition, after several fruitless Petitions, obtain'd an order of Council at last to be admitted into the Tower, where they found him barbarously treated by the Lieutenant, whom they soften'd into more humanity with a present of fifty pounds under the notion of Fees. By them he deliver'd a Petition to the King, importing that in the late times he was no public Person, nor acted to any man's detriment in his Life, Body, or Estate, but on the contrary had don his endeavors to help all persons in distress; that he had oppos'd the Usurper in such a manner as was judg'd even by the Royalists themselves to be very much to his disadvantage; and that it was not probable that he, who had liv'd so peaceably before, would attempt any Novelty after his Majesty's Restoration: wherfore he beg'd the favor of a public Trial, or a more easy confinement. But tho he had bin now a prisoner during the space of five months, neither he nor any on his behalf could receive an Answer to their Petitions; which made him somewhat impatient, not so much to enjoy his Liberty as to vindicat himself from the base Aspersions of his Enemys. He therefore continually urg'd his sister ASHTON to procure him a Trial, which she not being able to effect, he petition'd the Parliament, shewing that he had lain a close Prisoner in the Tower for five months upon a bare suspicion of som disaffection to the Government, which in all his Examinations did not in the least appear; and that he hop'd e'er that time so to have clear'd his innocence by a public Trial,

Trial, as to deserve his Liberty. But because he understood these matters were in some measure represented to their House, he would not presume, without first making his application to them, to sue for his freedom by other legal means. " May it therefore please this honorable
 " House, says he, to take tender consideration of the sufferings of an
 " *Englishman* hitherto innocent; and that the long continuance of
 " him in prison without trial may be hereafter the case of others,
 " and a precedent for the like case: and that this honorable House
 " would please to move his Majesty that your Petitioner may be
 " proceeded against by a legal way of Trial, or that he may have his
 " freedom; that so he may no longer languish in Prison to the ruin
 " of his Health and Estate. These are not the words of a man
 conscious of Guilt, or afraid of Power.

37. HIS Sister could get no Member to deliver this Petition, or to give her any encouragement; some alleging that she was more likely to destroy than serve her Brother, and others that by unseasonable pressing she might precipitate his danger; whereas if he would be patient under his sufferings, he might be safe in his restraint. Then he advis'd her to move for his *habeas Corpus*; which at first was flatly deny'd, but afterwards when it was granted and duly serv'd, his Warder came one day to his Sisters at *Westminster*, and acquainted them that between one and two a clock that morning their Brother was put on board a Ship to be transported he knew not whither, without any time given him either to see his Friends, or to make provision of Money, Linen, or other necessaries. Nor could his Relations for a whole fortnight, either at the Tower or in the Secretarys Office, learn what was become of him, till they received a note from himself on board one of the King's Ships then lying under *Hurst* Castle, informing them that he believ'd he was bound for *Plymouth*. About a month after he sent 'em word by another letter that he was landed on a kind of Rock opposite to *Plymouth*, call'd *St. Nicholas's Island*, whence he afterwards had frequent opportunitys of writing to 'em many pious and moral Admonitions, as well as Letters of business and entertainment.

38. BUT his close restraint to this small spot of Earth, where there was no fresh Water, and scarce any room to move his Body, quickly chang'd the state of his Health; this occasion'd him to petition he might be removed to *Plymouth*, which was granted, his Brother WILLIAM, and his Uncle ANTHONY SAMUEL, obliging themselves in a Bond of 5000 l. for his safe Imprisonment. Here he had not only the liberty of walking on the Hoe, but was also us'd with extraordinary Respect by the Deputy Governor of the Fort Sir JOHN SKELTON, who frequently invited him to his Table, and much lov'd his Conversation. Among the other Acquaintance he made at *Plymouth*, one was Dr. DUNSTAN, who advis'd him to take a preparation of *Guaiacum* in Coffee, as a certain cure for the Scurvy with which he was then troubl'd. He drank of this Liquor in great quantitys, every morning and evening. But after using it for some time, his Sisters, to their no small amazement, receiv'd no more Answers to their Letters. At length Advice was brought 'em from his Landlady, that his Fancy was much disorder'd, and desiring some body might come to look after him. Immediately one of them address'd herself to the Earl of Bath, then chief Governor of *Plymouth*, and inform'd him of his Prisoner's sad condition. This noble Lord, who
 laid

laid many Obligations on him before; and gave frequent orders for his good Usage; went hereupon to intercede for him with the King, representing the danger of his Life if he were not remov'd from that unwholsom place to *London*, where he might have the advice of able Physicians: and the King was accordingly pleas'd to grant a Warrant for his Release, since nothing appear'd against him supported by good Proof or probable Presumptions.

39. THE next day the Lady ASHTON, with another of his Sisters, took their Journey towards *Plymouth*, where they found their poor Brother so transform'd in Body and Mind, that they scarce could persuade themselves it was the same person. He was reduc'd to a Skeleton, not able to walk alone, slept very little, his imagination disturb'd, often fainted when he took his drink, and yet so fond of it that he would by no means be advis'd to forbear it. Dr. PRUJEAN, and other eminent Physicians, greatly blam'd Dr. DUNSTAN's prescriptions, giving their Opinion under their hands that *Guaiacum* and the other drying things, which he administer'd to his Patient in Coffee, were enough of themselves to beget Melancholy or Phrenzy, where there was no previous disposition to it. A rumor at *Plymouth*, that HARRINGTON had taken som drink which would make any man mad in a month; the furliness of his Doctor, and somthing blab'd by a Maid that was put against his will to attend him, made his Sister suspect he had foul play lest he should write any more *Oceanas*. 'Tis certain, that (tho his Recovery was never perfect) he mended finely as soon as he was persuaded to abstain from this Liquor. In less than a month he was able to bear the Journey to *London* in a Coach, where he was no sooner arriv'd but Sir JOHN SKELTON, who was then in Town, paid him a visit. My Lady ASHTON complaining to him that she had not timely notice of her Brother's Distemper, he protested he would have sent her word of it, had not his Doctor assur'd him that he only counterfeited; and yet at the same time he made him take strong Doses of *Hellebor*, and God knows what besides.

40. HE past som time at *Ashted* in *Surrey* to drink the *Epsom*-waters, by which he found no benefit. At *London* he was put wholly under the care of Doctor PRUJEAN, who with all his Art could afford little help to the weakness of his Body, and none at all to the disorder of his Mind, to his dying day. He was allow'd to discourse of most other things as rationally as any man, except his own Distemper, fancying strange things in the operation of his animal Spirits, which he thought to transpire from him in the shape of Birds, of Flys, of Bees, or the like. And those about him reported that he talk'd much of good and evil Spirits, which made them have frightful apprehensions. But he us'd, they said, sometimes to argue so strenuously that this was no deprav'd imagination, that his Doctor was often put to his shifts for an Answer. He would on such occasions compare himself to DEMOCRITUS, who for his admirable discoveries in Anatomy was reckon'd distracted by his fellow Citizens, till HIPPOCRATES cur'd 'em of their mistake. I confess I did not know at first what to make of these things from the informations of his Acquaintance, till I met with a Letter of Dr. BURTHOGGE to his Sister, wherein are contain'd certain Querys propos'd to him by HARRINGTON, with a state of his Case written by the Doctor, who was his intimat Friend,

and a very good judg, whether consider'd as a Physician or a Philosopher, as appears by his late *Treatise of the Soul of the World*, &c. and as I have particular reason to affirm from his Letters to my Lady ASHTON, which are all now before me. Among other things the Doctor says, that he ever exprest the highest satisfaction in thinking of what he had at any time written, as the best Service he was capable to do his Country, and sincerely intended by him to the glory of God, which he thought in som measure to be the good of mankind: so far was he from being under any remorse of Conscience on that score, as his ill wishers maliciously reported. Now, tho I was somewhat stagger'd concerning the nature of his Distemper by Dr. BURTHOGGE's Letter, I grew perfectly amaz'd when I found among his Papers the beginning of a little *Treatise* written by himself, wherein (without raillery) he proves 'em to be all mad that thought him so with respect to what he discours'd of Nature, which he maintain'd to work mechanically or mathematically, as BELLINI, BORELLI, Dr. PITCAIRNS, and other eminent men have since evidently shewn. It appears there that his pretended Visions of Angels and Devils were nothing else but good or bad animal Spirits, and that his Flys and Bees were only Similitudes wherby he us'd to exprest the various figures and forms of those Particles. I own that he might probably enough be much decay'd in his understanding, by reason of his great and long weakness of body; but I shall never be convinc'd that he was delirious in that only instance which they allege: and to satisfy the Learned in this point (which, in my opinion, is a memorable Story that concerns 'em all) I shall subjoin his own discourse to this History.

41. WERE he really out of order, it had bin his misfortune, not his fault, and was the case of som of the best men that ever liv'd. An action that will better persuade the world he was not truly himself, was his marrying in this condition. The Lady was a very agreeable woman, whose Person and Conversation he always admir'd; she was the Daughter of Sir MARMADUKE DORREL of *Buckinghamshire*, fam'd for wit more than became her pretensions to good sense, had long liv'd among his Relations with the respect of a Friend and a Sister; but now would needs change the office of a voluntary Attendant for the name of a Wife. It soon appear'd that this match was not so much disinterested as she would pretend, which occasion'd som difference between 'em; but they were quickly reconcil'd, and she was always treated by him afterwards with the highest Generosity, tho she did not use him so handsomly when they were both young and healthy, and might have made a more seasonable match than at this time. Towards his latter end he was subject to the Gout, and enjoy'd little ease, but languishing and drooping a good while, he fell at last into a Palsy, and departed this Life at *Westminster*, the 11th of *September*, in the Year 1677 (leaving his Estate to his Brother's Children) and lys bury'd there in *S. Margaret's Church*, on the South side of the Altar, next to the Grave of Sir WALTER RALEIGH, with this Inscription over him: *Hic jacet JACOBUS HARRINGTON Armiger (filius maximus natu S APCOTIS HARRINGTON de Rand, in Com. Linc. Equitis aurati, & JANÆ uxoris ejus, filiaē GULIELMI SAMUEL de Upton in Com. Northampton. Militis) qui obiit septimo die Septembris, ætatis suæ sexagesimo sexto, anno Dom. 1677. Nec virtus, nec animi dotes (arrha licet æterni in animam amoris Dei) corruptione eximere queant corpus.*

42. THUS

42. THUS dy'd JAMES HARRINGTON, whose Name is sure to live so long as Learning and Liberty bear any Reputation in *England*. But tho he did not think so highly of himself, yet he was strongly perswaded that his *Oceana* was the Model of an equal Commonwealth, or a Government wherein no Party can be at variance with or gaining ground upon another, and never to be conquer'd by any foren Power; whence he concluded it must needs be likewise immortal: for as the People, who are the materials, never dy; so the Form, which is the Motion, must (without som opposition) be endless. The *Immortality of a Commonwealth* is such a new and curious Problem, that I could not assure my self of the Reader's pardon, without giving him som brief account of the Arguments for it, and they run much after this manner. The perfection of Government is such a Libration in the frame of it, that no Man or Men under it can have the interest, or (having the interest) can have the power to disturb it with Sedition. This will be granted at first sight, and HARRINGTON appeals to all Mankind, whether his *Oceana* (examin'd by this principle) be not such an equal Government, completely and intirely fram'd in all its necessary Orders or fundamental Laws, without any contradiction to it self, to Reason, or Truth. If this be so (as the contrary dos not yet appear) then it has no internal cause of Dissolution, and consequently such a Government can never be ruin'd any way; for he further shews (what all History cannot contradict) that a Commonwealth, if not first broken or divided by Factions at home, was never conquer'd by the Arms of any Monarch from the beginning of the World to this day: but the Commonwealth of *Oceana* having no Factions within, and so not to be conquer'd from without, is therefore an equal, perfect, and immortal Government. For want of this equality in the frame he clearly demonstrats how the Commonwealths of *Rome*, *Athens*, and others, came to be destroy'd by their contending and overtopping partys; whereas that of *Venice* can never change or finish. He proves that this Equality is yet more wanting in Monarchys; for in absolute Monarchy (as that of the *Turk*, for example) the *Janizarys* have frequent interest, and perpetual power to raise Sedition to the ruin of the Emperor, and, when they please, of the Empire: This cannot be said of the Armys of *Oceana*, and therefore an absolute Monarchy is no perfect Government. In what they improperly call a mix'd Monarchy the Nobility are sometimes putting Chains on the King, at other times domineering over the People; the King is either oppressing the People without control, or contending with the Nobility as their Protectors; and the People are frequently in arms against both King and Nobility, till at last one of the three Estates becomes master of the other two, or till they so mutually weaken one another that either they fall a prey to som more potent Government, or naturally grow into a Commonwealth: therefore mixt Monarchy is not a perfect Government; and if no such Partys or Contentions can possibly exist in *Oceana*, then on the contrary is it a most equal, perfect, and immortal Commonwealth, *Quod erat demonstrandum*.

43. IT will not be objected to the disparagement of this Model, that it was no better receiv'd by OLIVER CROMWEL; nor is it fair to judg of things at any time by their Success. If it should be said, that, after the expiration of his Tyranny, the People did not think fit to establish it; I shall only answer, that all the Attempts which have bin us'd for introducing Arbitrary Power have prov'd as unfortunat, wher-

by

The LIFE of

by it appears at least that the character which TACITUS gave the Romans of his time, may as well agree to the People of England: and it is, that *They are able to bear neither absolute Liberty, nor absolute Slavery.*

C O N C L U S I O N.

I AM dispos'd to believe that my Lady ASHTON's memory fail'd her, when she said that her Brother was at Rome during the Jubilee; for as Chronology seems to contradict it, so she might easily mistake the Jubilee for the Ceremony of consecrating Candles, or any other solemnity; his remarks being equally applicable to all those of the Popish Church. But as to the whole of this History, tho it be manag'd with due moderation, and contains nothing but bare matters of fact, or such observations as they naturally suggest; yet I was sensible before I wrote it, that I could not escape the displeasure of three sorts of persons: such as have resolv'd to be angry at whatever I do; such as neither rightly understand what is written by me nor any body else; and those who, without any particular spite against an Author, yet to get a penny will pretend to answer any book that makes a considerable figure. Therefore I find my self oblig'd beforehand to disclaim all explanations made of my meaning, beyond what is warranted by the express words of my Book; having constantly endeavor'd not only to write intelligibly, but so as that none can possibly misunderstand me. I renounce all the designs that may be imputed to me by such as are so far from being admitted into my secret, that they were never in my company; but I specially disown whatever is said by those who first presume to divine my thoughts, and then to vent their own rash conjectures as my undoubted opinions. I slight their artifice who, when unable to object against the point in question, labor to ingage their Adversary in matters wholly besides the purpose; and when their Evasions have no better fortune than their Attacks, fall to railing against his Person, because they cannot confute his Arguments. I am as much above the malice of some, as they are below my resentments; and I wou'd at any time chuse to be rather the object of their Envy than of their Favor: but as I am far from thinking my self exempt from all the indiscretions of Youth, or the frailties of human Nature; so I am not conscious of entertaining higher thoughts of my own performances than are becoming, or meaner of other mens than they deserve. I know that to enterprize any thing out of the common road is to undergo undoubted envy or peril; and that he, who is not beforehand resolv'd to bear opposition, will never do any great or beneficial exploit: yet 'tis no small encouragement to me, that from the beginning of the world to this time not a single instance can be produc'd of one who either was or would be eminent, but he met with Enemys to his person and fame. Notwithstanding this consideration be just, yet if I write any thing hereafter (either as oblig'd by Duty, or to amuze idle time) I have determin'd it shall not concern personal disputes, or the narrow interests of jarring Factions, but something of universal benefit, and which all sides may indifferently read. Without such provocations as no man ought to indure, this is my fix'd resolution; and I particularly desire that none may blame me for acting otherwise, who force me to do so themselves. I shall never be wanting to my own defence, when either the Cause or the Aggressor deserves it: for as to those Authors who conceal their names, if they write matters of fact 'tis a sign they cannot make them good; and all men are agreed to reject their Testimony, except such as resolve to deny others common justice; but the ill opinion of these prejudic'd persons can no more injure any man,

man, than their good opinion will do him honor. Besides other reasons of mentioning my suppos'd designs, one is to disabuse several people who (as I am told) are made to believe that in the History of SOCRATES I draw a Parallel between that Philosopher and JESUS CHRIST. This is a most scandalous and unchristian calumny, as will more fully appear to the world whenever the Book it self is publish'd; for that I have bin som time about it, I freely avow; yet not in the manner those officious Informers report, but as becoms a disinterested Historian, and a friend to all mankind.

The Inscription on the Monument of Sir JAMES HARRINGTON and his three Sons, at Exton in Rutlandshire.

HERE lieth Sir James Harrington of Exton Kt. with ^(a) Lucy his Wife, Daughter to Sir William Sidney Kt. by whom he had 18 Children, wherof three Sons and 8 Daughters marry'd as follows.

THE eldest Son, Sir ^(b) John, marry'd the Heiress of Robert Keylwoy Surveyor of the Court of Wards and Liverys. The 2d Son, Sir ^(c) Henry, took to Wife one of the Coheirs of Francis Agar, one of his Majesty's Privy Council in Ireland. The 3d Son, James ^(d) Harrington Esq; had to Wife one of the Coheirs of Robert Sapcotes Esq. The eldest Daughter, Elizabeth, was married to Sir Edward ^(e) Montague Kt. The 2d, Frances, to Sir William ^(f) Lee Kt. The 3d, Margaret, to Don ^(g) Bonitto de Sifnores of Spain, of the Family of the Dukes of Frantafquo. The 4th, Katherine, to Sir Edward ^(h) Dimmock Kt. The 5th, Mary, to Sir Edward ⁽ⁱ⁾ Wingfield Kt. The 6th, Mabell, to Sir Andrew ^(k) Noell Kt. The 7th, Sarah, was marry'd to the Lord Hastings, Heir to the Earl of Huntingdon. The 8th, Theodosia, ^(l) to the Lord Dudley of Dudley Castle.

THE same Sir James and Lucy were marry'd fifty years: She died first, in the 72d year of her Age; he shortly after yielded to Nature, being 80 years old, in the year of our Lord 1591, and of Queen Elizabeth's Reign 34. their Son James being made sole Executor to them both; who, that he might as well perform to his Parents their Rites, as leave a Testimony of his own Piety to Posterity, hath erected and dedicated this Monument to their eternal Memory.

^(a) And Sister to Sir Philip Sidney Kt.

^(b) Who was afterwards created Ld Harrington, and his Lady was Governess to the Queen of Bohemia. His Family is extinct as to Heirs Male: One of his Daughters was marry'd to the Earl of Bedford, and was Groom of the Stole to Q. Ann. The other was marry'd to a Scotch Lord whose name was Lord Bruce Earl of Elgin; his Grandson now Lord Alisbury.

^(c) Who happen'd to be President of Ireland; and from him descended my Lady Fretchavil's Father, my Lady Morison, and my Lord Falkland's Lady.

^(d) Afterwards Baronet: To him were born Sir Edward Harrington, Sir Sapcotes Harrington, and Mr. John Harrington; who had Issue both Sons and Daughters.

^(e) Who was Father to the Lord Montague, the Earl of Manchester, and Lord Privy Seal; and Sir Sidney Montague, who was afterwards created Earl of Sandwich; and to the Earl of Rutland's Lady, and Judg Montague.

^(f) Who was afterwards created Lord Chichester and Earl of Dunsmore; and marry'd one of his Daughters to the Earl of Southampton, by whom he had the present Lady Northumberland. And his other Daughter marry'd her self to Col. Villers, and is now Governess to the Lady Mary the Duke of York's eldest Daughter,

^(g) Which Dukedom afterwards fell to him; and by this Lady he had one sole Daughter and Heir, who is said to have marry'd the Duke of Ferio, and by him to have had one Daughter, who is marry'd to a King of Portugal.

^(h) Of Lincolnshire, the King's Standard-bearer.

⁽ⁱ⁾ An Antient noble Family in Kent.

^(k) Now Lord Cambden, Owner of the place where this Monument is.

^(l) One of whose Daughters marry'd the Earl of Hume in Scotland, and had by him two Daughters; one married my Lord Morrice, and the other my Lord Maitland now Duke of Lauderdale. The other Daughter of my Lady Dudley was Heir to the Honour of Dudley Castle; of whose Issue by the Mother's side is the present Lord Dudley.

The LIFE of
The Mechanics of Nature:

O R,

An Imperfect Treatise written by JAMES HARRINGTON during his sickness, to prove against his Doctors that the Notions he had of his own Distemper were not, as they alleg'd, Hypochondriac Whimsys or Delirious Fancys.

The P R E F A C E.

HAVING bin about nine months, som say in a Disease, I in a Cure, I have bin the wonder of Physicians, and they mine; not but that we might have bin reconcil'd, for Books (I grant) if they keep close to Nature must be good ones, but I deny that Nature is bound to Books. I am no study'd Naturalist, having long since given over that Philosophy as inscrutable and incertain: for thus I thought with myself; "Nature, to whom it is givento work as it were under her Veil or behind the Curtain is the Art of God: now if there be Arts of Men who have wrought openly enough to the understanding (for example that of TITIAN) nevertheless whose excellency I shall never reach; How shall I thus, sticking in the Bark at the Arts of Men, be able to look thence to the Roots, or dive into the Abyss of things in the Art of God? And nevertheless, Si placidum caput undis extulerit, should Nature afford me a sight of her, I do not think so meanly of myself but that I would know her as soon as another, tho more learn'd man. Laying therefore Arts wholly, and Books almost all aside, I shall truly deliver to the world how I felt and saw Nature; that is, how she came first into my senses, and by the senses into my understanding. Yet for the sake of my Readers, and also for my own, I must invert the order of my Discourse; For theirs, because, till I can speak to men that have had the same Sensations with my self, I must speak to such as have a like understanding with others: For my own, because, being like in this Discourse to be the Monky that play'd at Chess with his Master, I have need of som Cushion on my head, that being in all I have spoken hitherto more laid at than my Reason. My Discourse then is to consist of two parts: the first, in which I appeal to his understanding who will use his Reason, is a Platform of Nature drawn out in certain Aphorisms; and the second, in which I shall appeal to his senses who in a Disease very common will make further trial is a Narrative of my Case.

A Platform or Scheme of Nature.

1. **N**ATURE is the *Fiat*, the Breath, and in the whole Sphere of her activity the very Word of God.
2. **SHE** is a Spirit, that same Spirit of God which in the beginning mov'd upon the Waters, his plastic Virtue, the *Δύναμις ἡ διαπλαστική*, *Ἐνεργεία ζωτική*
3. **SHE** is the Providence of God in his Government of the things of this world, even that Providence of which it is said, that without it a Sparrow cannot fall to the ground, *Mat. 10. 29.*

3. **SHE**

4. SHE is the *Anima Mundi*, or Soul of the World;

*Principio Cælum, ac Terras, camposque liquentes,
Lucentemque globum Lunæ, Titaniaque astra
SPIRITUS intus alit, totamque effusa per artus
Mens agitat molem, & magno se corpore miscet.
Inde hominum pecudumque genus, vitæque volantum,
Et quæ marmoreo fert monstra sub æquore pontus.
Igneus est ollis vigor, & cælestis Origo
Seminibus, quantum non noxia corpora tardant,
Terrenique hebetant artus, moribundaque membra.
Hinc metuunt, cupiuntque, dolent, gaudentque, neque auras
Dispiciunt clausæ tenebris & carcere cæco. Virgil. Æn. l. 6.*

5. SHE is infallible: for the Law of an infallible Lawgiver must needs be infallible, and Nature is the Law as well as the Art of God.

6. THO Nature be not fallible, yet she is limited, and can do nothing above her matter; therefore no Miracles are to be expected from her.

7. AS Defects, Redundancys, or such other rude qualitys of matter, ought not to be attributed to the Artificer or his Art; so neither is Nature, or the Art of God, to be charg'd with Monsters or imperfections, the things so reputed being the regular Effects both of the Matter and the Art that forms it.

8. NATURE is not only a Spirit, but is furnish'd, or rather furnishes her self with innumerable ministerial Spirits, by which she operats on her whole matter, as the Universe; or on the separat parts, as man's Body.

9. THESE ministerial Spirits are certain Æthereal Particles invisibly mix'd with elementary Matter; they work ordinarily unseen or unfelt, and may be call'd Animal Spirits.

10. AS in sound Bodys there must needs be GOOD SPIRITS managing the Oeconomy of Health; so in unsound Bodies, as in chronical Diseases, there must needs be EVIL SPIRITS managing the Oeconomy of Distempers.

11. ANIMAL Spirits, whether in the Universe, or in man's Body, are good or evil Spirits, according to the Matter wherin and wherof they are generated.

12. WHAT is a good Spirit to one Creature, is evil to another, as the food of som Beasts is poison to man; whence the gentleness of the Dove, and the fierceness of the Hawk.

13. BETWEEN the Animal Spirits of the whole or Universe, and of the parts, as of man's Body, there is an intercourse or cooperation which preserves the common order of Nature unseen; and in som things often foretels or discovers it, which is what we call *Presages, Signs* and *Prodigys*.

14. THE work of good Spirits, as Health for example, is felicitous, and as it were Angelical; and that of evil Spirits, as in Diseases, is noxious, and as it were diabolical, a sort of fascination or witchcraft.

15. ALL Fermentation is caus'd by unlocking, unbinding, or letting loose of Spirits; as all Attenuation is occasion'd by stirring, working, or provoking of Spirits; and all Transpiration by the emission or sending abroad of Spirits.

16. NOTHING in Nature is annihilated or lost, and therefore whatever is transpir'd, is receiv'd and put to som use by the Spirits of the Universe.

17. SCARCE

17. SCARCE any man but at som time or other has felt such a motion as Country people call the *Lifeblood*; if in his Ey, perhaps there has flown out somthing like a dusky cloud, which is a transpiration or emission of spirits; perhaps as it were a flash of Fire, which also was an emission of spirits, but differenc'd according to the matter wherin and wherof they were wrought, as Choler, &c.

18. ANIMAL Spirits are ordinarily emitted streaking themselves into various figures, answerable to little arms or hands, by which they work out the matter by transpiration, no otherwise than they unlock'd it, and wrought it up in the body by attenuation, that is, by manufacture: for these operations are perfectly mechanical, and downright handywork as in our shops or workhouses.

19. IF we find Nature in her operations not only using hands, but likewise somthing analogous to any Art, Tool, Engin, or Instrument which we have or use, it cannot be said that Nature had these things of men, because we know that men must have these things of Nature.

20. In Attenuation and Transpiration, where the matter of the Disease is not only copious but inveterat, the Work will not as I may say be inarticulat, as in the trembling call'd the *Lifeblood*; but articulat, and obviously so to the sense of the Patient by immediat strokes of the Humor upon his Organs, which somtimes may be strong enough (tho not ordinarily) to reach anothers.

21. NATURE can work no otherwise than as God taught her, nor any man than as she taught him.

22. WHEN I see a curious piece from the hands of an Apprentice, I cannot imagin that his Master was a bungler, or that he wrought not after the same manner as his Servant learn'd of him; which I apply to God and Nature.

23. PHYSICIANS somtimes take the PRUDENCE of Nature for the PHRENSY of the Patient.

24. IF any man can shew why these things are not thus, or that they may be otherwise, then I have don, and there is said in this part already more than enough; but if they can neither shew that these things are not thus, nor know how they should be otherwise, then so far I stand my ground, and am now arm'd for my Narrative *Cap a pè*.

'T IS a thousand pitys that we have not this Narrative, to which no doubt he apply'd these Principles, and thence form'd the state of his Distemper. But the Manuscript containing no more, we may however evidently conclude that the Writer of it was not so greatly disorder'd in his thoughts, which are for the most part very just, and all as close and coherant as any man's.

Life. P. 21. To the other words there explain'd add Hemisua the River Trent, and Alma the Palace of St. James.

THE
Grounds and Reasons
OF
MONARCHY
CONSIDER'D:

And Exemplify'd in the *Scotish* Line, out of
their own best Authors and Records.

T H E

P R E F A C E.

THERE is nothing that has more confounded Knowledge among men, than the reciprocal violences of the Understanding and the Will; or, to speak plainly, the Passion of the one and Blindness of the other: Since some by chance or interest take up Principles which they force the Understanding by strain'd Arguments to maintain; others by the habit of some Opinion so bewitch the Will into confederacy, that they never can quit it, even after confutation. To remedy this Disorder, since I had resolv'd with my self to say something to this Point (which though it be but as a small Wyre, yet the great weight of civil Felicity lies upon it) I knew no better Method than to take the Scales from the Eyes of the Understanding, and to shew the Will how better to bring about her great Design of Good. And in the prosecution of this, I would not skirmish with every Argument, which had been a thing of immense flattery, and not for every Eye; but I chose rather to strike at the Foundations, that the Understanding might lose its Passion, and more freely consider upon what Quickstands they lay. And in this I needed not to be positive, because I undertake a Task in which most Men are commonly successful, that is, to support Error rather than to assert Truth. Hence I consider Kingship simply, not troubling my self to maintain any other Form, or to consider Oaths, Ends, Changes of Government, or the particular Necessity or Reasons of Safety: they being distinct Considerations and Subjects by themselves. Now if this negative Method satisfys not, I see no such great cause to be discourag'd; for, I confess, I do not perceive it so easy a thing to discover an Error; and I had rather tell a Man he was out of the way, than by endeavouring to bring him to the end of his Journey, lead him further about. And it is my opinion, that as Scepticism is not only useless, but dangerous; if in setting our Thoughts in a posture of Defence, it makes us absolutely wavering and incredulous: yet had I rather be sceptical in my Opinion, than maintain it upon grounds taken upon trust, and not demonstrated.

THE Second Part is merely an instance accommodated to the Arguments of the First, wherein I would not be understood to be a Writer of an Epitome (for I have other Employments for my Time and Thoughts, and those nobler too) but to set down a true Series by way of Example; and therefore I was only to note Accesses to Government, and Recesses from it, with the Effects proceeding from the Persons of Governors. And here as I needed not much trouble Chronology: So lest it might be a bare *Skeleton*, I sprinkled some Observations that came to hand, and seem to afford either Pleasure or Use. Thus much, lest I might be misunderstood, I thought necessary to premise.

T H E

5

T H E

Grounds and Reasons

O F

M O N A R C H Y.

The F I R S T P A R T.

I HAVE often thought it strange, that among all the Governments, either past or present, the *Monarchical* should so far in Extent and Number exceed the *Popular*, as that they could never yet come into comparison. I could never be persuaded but it was more happy for a People to be dispos'd of by a number of Persons jointly interested and concern'd with them, than to be number'd as the Herd and Inheritance of One, to whose Lust and Madness they were absolutely subject; and that any Man of the weakest Reason and Generosity would not rather chose for his Habitation that spot of Earth where there was access to Honour by Virtue, and no Worth could be excluded, rather than that where all Advancement should proceed from the Will of one scarcely hearing and seeing with his own Organs, and gain'd for the most part by means lewd and indirect: and all this in the end to amount to nothing else but a more splendid and dangerous Slavery. To clear this Point, I consider'd how inscrutably Providence carries on the turns and stops of all Governments, so that most People rather found than made them. The Constitutions of Men, some not fit to be Masters of their Liberty, some not capable, some not willing; the Ambition of settled Tyrants, who breaking their own Bonds have brought in violent Alterations; and lastly, civil Discord, have either corrupted or alter'd better Settlements.

BUT these are Observations rather than Arguments, and relate to Fact rather than Reason. That which astonish'd me most was to see those of this Heroic and Learn'd Age, not only not rising to Thoughts of Liberty; but instead thereof foolishly turning their Wits and Swords against themselves in the maintenance of them whose Slaves they are: and indeed they can be no weak Causes that produce so long and settled a Distemper; tho some of those I mention'd, if not most of them, are the true ones.

HE knows nothing that knows not how superstitiously the generality of Mankind is given to retain Traditions, and how pertinacious they are in the maintenance of their first Prejudices, insomuch that a Discovery or more refin'd Reason is as insupportable to them, as the Sun is to an Eye newly brought out of Darkness. Hence Opinionativeness (which is commonly proportion'd to their Ignorance) and a generous Obstinacy sometimes to Death and Ruin. So that it is no wonder if we see many Gentlemen, whose Education enabled them only
to

The Grounds and

to use their Senses and first Thoughts, so dazzled with the Splendor of a Court, prepossess'd with the Affection of a Prince, or bewitch'd with some subdolous Fever, that they choose rather any hazard than the Enchantment should be dissolv'd. Others, perhaps a degree above these, yet in respect of some Title stuck upon the Family (which has been as fortunate a Mystery of Kingcraft as any other) or in reverence to some glorious former Atchievements (minding not that in all these cases the People are the only effective means, and the King only imaginary) think they should degenerate from Bravery in bringing on a Change. Others are withheld by Sloth and Timorousness, either not daring, or unwilling to be happy; some looking no further than their private Welfare, indifferent at the multiplication of public Evils; others (and these the worst of all) out of a pravity of Nature sacrificing to their Ambition and Avarice, and in order to that, following any Power, concurring with any Machinations, and supporting their Authors: while Princes themselves (train'd up in these Arts, or receiving them by Tradition) know how to wind all their humours to their own advantage, now foisting the Divinity of their Titles into Pulpits, now amusing the People with Pomp and Shews, now diverting their hot Spirits to some unprofitable foreign War (making way to their accus'd ends of Revenge or Glory, with the effusion of that Blood which should be as dear to them as their own) now stroaking the People with some feeble but enforc'd Law, for which notwithstanding they will be paid (and 'tis observ'd, the most notorious Tyrants have taken this Course) now giving up the eminentest of their Ministers (which they part with as indifferently as their Robes) to the Rage and Fury of the People; so that they are commanded and condemn'd by the same Mouth, and the credulous and ignorant, believing their King divinely set over them, sit still, and by degrees grow into Quiet and Admiration, especially if lull'd asleep with some small continuance of Peace (be it never so unjust, unsound or dangerous) as if the Body Politic could not languish of an internal Disease, tho' its Complexion be fresh and chearful.

THOSE are the Reasons which (if I conceive aright) have stupify'd the less knowing part of Mankind. Now, how the more searching part have so oddly miscarry'd, will fall under consideration.

FIRST then, we need not take the pains to demonstrate how easy a thing it is for men of Acuteness, not conversant in Civil Affairs, not only to miscarry in the Apprehension, but even in their Judgment of them: for they, instead of bringing the Series and Reason of things into Rule and Method, use on the contrary to measure them by their own presuppos'd Speculation; and by that means become incapable of weighing rightly the various Incidences and Circumstances of Business. For it is to be observ'd, that the Theorems of no Art or Profession are either more easily found, or of more difficult practice than those of Policy; so that it is no wonder if Men merely contemplative, fail so oft in the very laying of Grounds, as we shall anon instance. Now how fruitful Dainties Error and Absurdity are, we all know. But more especially the Contentions of contemplative Men are most numerous, various, and endless; for wrangling is with them an Art, and they are endu'd with that ungenerous Shame, never to acknowledge their Mistakes. Moreover, their Principles are most times ill-grounded, and it is to be fear'd that in their Superstructures they as often call in
their

their Imaginations as their Judgment to frame Arguments. Besides, these men fighting only with Pen, Ink and Paper, seldom arrive at a means to decide the Quarrel, by which he that gains the last word is suppos'd Conqueror; or the other leaves almost as inglorious a Conquest to the Victor, as if he had been overthrown.

THAT which I would infer from all this, is, that the Generality of speculative Men, for the most part guiding their Understandings by those Notions which they find in Books, fall not seldom by this means into considerable Errors. For all Books, those I mean that are human, and fall directly under our Consideration, either lay down practical Things and Observations of Kingship, or some general and universal Notions, or else controversially assert *Monarchy* against some Opposers. Now in the two latter there are generally found two grand and insupportable Fallacies, the first whereof is, that they fraudulently converse in Generals, and (to borrow the School-terms) speak of that in the *Abstract* which they should do in the *Concrete*: As for example, where they should assert the particular Right of this or that Prince, they cunningly or ignorantly lay out most of their Discourse about *Monarchy* in general, and often weary and amaze the Dispute before they come to the true ground and stating of the Quarrel, whereby the Readers (diverted by such Prepossession, and intangled by general Notions of Authority, Power and government) seldom descend into the consideration of Particulars, where the great Scruple and Difficulty for the most part lies. So that any King (be his Access to the Government never so fraudulent and unjustifiable) comes to be look'd on as sacred, authoritative, and by degrees begins not to blush at the Attributes of Sacred Majesty, Grace, and Highness, or any other Terms that the servile Flattery and witty Barbarity of Courtiers can give to them: nay, some even of the wickedest of the Roman Emperors could be content to be saluted with *Perennitys* and *Divinitys*; whereas if Men would call their Reason into counsel, they might find that these blazing Stars were opac Bodies, and did shine only by Reflection: These Men having no more Lustre than either the Cabal of their own state and distance, or the wretched Imposition upon the People, casts on them. For did Men divest the Authority from the Person, they would then commonly find it inconsiderable, if not positively evil. And again consider Authority in itself as a thing fixt, real, immutable, and (when justly administer'd) sacred, they might find, that granting a Prince to be the most regular, just Person in all the world, yet many Men as good join'd with him, intrusted, and concurring to the same end, might do much more good; and that to deny this, were to be as irrational as to deny that one Person could do any good at all. But however, this I take to be certain and demonstrable out of their own Principles, that Kings being only to be consider'd in respect of the Trust and Power lodg'd in them, a number of Men by as just means (not to say better) invested with the same Trust and Power, are every jot as sacred, and of as much Divine Right as any Monarch is, the Power being essentially the same, united or divided, as if a Commission be to one or three. It will follow then, that Republics may be as just and authoritative as Kingdoms; and then their radical Argument of the *Jure Divino* of Kingship is wholly enervated, and the other render'd equally as Sovereign. And I am to note (but this is only transiently) the Poorness, or, to say better, the Blasphemy of that Argument which flourishes out

Kings as the Types of Divinity, and vainly lavishes some Metaphysics, to prove that all things have a natural tendency to Oneness; nay, the itch of some merry Wits has carry'd them to run over most of the Divine Attributes (as some English Lawyers have talk'd of the legal, I must say phantastical Ubiquity and Omniscience of our Kings; tho' we see the contrary; and some Civilians have said as much about the Emperor before them) whereas they should consider, that the immense Simplicity of God flows out in its several Operations with ineffable variety, God being every where and the same, or, as the *Platonists* say, a Center in every part of its Circle, a Spirit without Quantity, Distance, and Comprehension; whereas Man is a determinate narrow Being, who doing one thing, ceases to do another, and thinking one of thing is forc'd to quit his former thought. Now how fit he is to be a Shadow of this Archetype, let any judge, unless he could be refin'd from his Corporeity, and enlarg'd into a proportionable Immensity. Besides, I know not whether it be safe to think or no, That as God, who, for the most part, indues Men with Gifts suitable to the places to which he calls them, would in some measure pour out his Spirit proportionate to these Men, whereas most commonly we find them, notwithstanding their extraordinary advantages of Society, Education, and Business, as weak Men as any other: and good Princes being sway'd by the Advice of Men good and wise, and the bad seduc'd by Men of their own Inclinations, what are all Monarchies but in reality Optimacies? for a few only essentially govern under the name of one, who is utterly as unable as the meanest of those over whom he claims Superiority.

THE second Falacy is this, That Men, while they labour thus to support Monarchy, tell us not what kind of Monarchy it is, and consequently gain nothing, tho' we should grant them the former Proposition to be true. For what does it avail to tell me of the Title of such a Prince, if I know not by what Title he holds? Grant it were visible to me that such a Man was mark'd out by Providence to be my Governor, yet if I cannot tell what kind of one, whether absolute, mixt, limited, merely executive, or only first in order, how shall I know to direct my Obedience? If he be absolute, my very natural Liberty is taken away from me; nor do I know any Power that can make any Man such, the Scripture setting just limitations and restrictions to all Governors. If mixt and limited, I must know the due Temper and Bounds whereby he is to rule, or else he may usurp or be mistaken, and I oppress'd or injur'd. If executive, the Power fundamentally resides not in him, but in the Great Council, or them intrusted by the People; then I adore only a Shadow. Now if any Prince of *Europe* can really clear up these Mists, and shew the Lines of his Government drawn fairly, and his Charter whole and authentic, like that of *Venice* and anti-ent *Rome*, for my Part, I'll be the first Man shall swear him Allegiance, and the last that will preserve him. But you will find that they will tell you in general about their Office, and in particular of their Claims of Succession, Inheritance, and Ancestors; when look but three or four Stories back, and you will meet either some savage unnatural Intrusion, disguis'd under some forc'd Title or chimerical Cognation, or else some violent Alteration, or possibly some slender Oath or Articles, hardly extorted and imperfectly kept. Now if any Man that will but run over these Rules, and apply them to any History whatever (as we shall exemplify in that of *Scotland*, upon which for the present we have pitcht) and

and not find most Titles ambiguous, the Effects of former Monarchies (for where, in a Catalogue of forty Kings, can you almost shew me three good ones, but things merely struggling to maintain their Titles and domestic Interest?) ruinous to the People, who for the most part consider them no otherwise than as to be rescu'd from violent Confusion, not as they conduce to the positive Happiness of a civil Life; I say, all this will be found to be true, or my small Conversation in Books is extremely false. And truly I conceive reading of History to be the most rational Course to set any Judgment right, because it instructs by Experience and Effects, and grounds the Judgment upon material Observations, and not blindly gropes after Notions and Causes, which to him are *tantum non inscrutabile*; but of that anon. A main Mistake under this Topic has been an erroneous comparison and application of matters Civil and Military; for Men observing that mixt Councils about Generals, Plurality, Equality of Commands, frequent and sudden Military Alterations, have brought no small Distempers and Dangers to several Governments and Attempts; therefore they presently conclude, that in Civils also it is the safest to continue a Command in one hand for preventing the like Disturbances. But here they are deceiv'd; Civil matters consist in long debate, great consideration, patient expectation, and wary foresight, which is better to be found in a number of choice experienc'd Heads, than in one single Person, whose Youth and Vigour of Spirit enables him rather to Action, and fills him with that noble Temerity which is commonly so happy in Martial Affairs; that must be guided always to improve Occasions, which are seldom to be found again, and, which mistaken, are to be scarcely amended. Besides, the Ferocity of daring Spirits can hardly be bounded while they stand level; so that it is no wonder if they extinguish all Emulations by putting the Power into the hands of one, whereas in a Commonwealth it is quite otherwise: and Factions (unless they be cruelly exorbitant) do but poise and balance one another; and many times like the discord of Humores upon the natural Body, produce real good to the Government. That slender conceit, that Nature seems to dress out a Principality in most of her works, as among Birds, Bees, &c. is so slender indeed (in regard they are no more Chiefs than what they fancy them, but all their Prepotency is merely predatory or oppressive; and even Lions, Elephants, Crocodiles and Eagles, have small inconsiderable Enemies, of which they stand in fear, and by which they are often ruin'd) that the Recital confutes it; and if it were so, yet unless they could prove their one Man to be as much more excellent than the rest as those are, and that solely too, I see not what it would advantage them, since to comply with the design of Nature in one, they would contradict it in others, where she is equally concern'd. But these Philological and Rhetorical Arguments have not a little hinder'd the severer Disquisition of Reason, and prepossess'd the more easy Minds with Notions so much harder to be laid aside, as they are more erroneous and pleasing.

THESE are the fundamental Errors that have misled the Judgment; now those which have misguided the Conscience, have principally proceeded from the Misinterpretation of Scripture; and therefore seeming Sacred, have been less examin'd and doubted, as carrying the most Authority. Thus in the old Testament, there being such frequent mention of Kings, which notwithstanding were given in Wrath, they

they superstitiously maintain not only the necessity, but even the impunity of Kings; whereas we know not their Powers and Limitations, and it is inconsequent to argue, That because *Judea* was so govern'd, we should follow the same Pattern, when we find neither Precept, Consequence, nor Necessity convincing us. And it is madness to think that while the Divine Spirit so freely and vehemently exclaims against the Iniquity of men, God would authorize it so far as to leave it in them only unpunishable who should exterminate and reform it. As for the Antiquity from ADAM, it is true, before his Fall his Dominion was large and wide, but it was over the Beasts that after his Fall learn'd to rebel against him; and œconomically, not despotically, over his Wife and Children. But what is this to Civil Government? In the New Testament (for I the brieflier pass over this head, in regard it has been so copiously treated upon by those under whose Profession it falls, and that it does not immediately conduce to my Design) the principal Argument has been the meekness of CHRIST and his compliance with Civil Powers, which certainly, if he had been dispos'd to have resisted, say they, he could as easily have overthrown, as with a few Cords whip the Buyers and Sellers out of the Temple. But he, that was the Wisdom of his Father, rather thought fit to build up his Kingdom (which is not earthly, nor known of earthly men) in Meekness and Obedience to Civil Powers, which are perpetually chang'd and hurry'd at the Will of the first Mover, otherwise he would never have concerned himself so much in giving Dues to CÆSAR, and to God what is Gods; intimating the distinct Obedience owing by all men, as Christians, and Citizens. When, granting Monarchy the most and only lawful Government, yet every one knows, that knows any thing of the *Roman* Story, that AUGUSTUS had no more Title to that Government, than to any of those over whom he usurp'd, and that his Access to the Government was as fraudulent and violent as could be. Another Error is the mistaking of the word * *Powers*, when it's clear the Scripture speaks of it in a Latitude, as extending it to all sorts of establish'd Governmens. Now men have falsely pretended, that those Powers were only meant of Kings; and what by an indiscreet collation of the places of the old, and violent wrestings of others of the New Testament, they perfected the other grand Mistake; which since it has been already clear'd up, and as we said is but collateral with us for the present, we shall no further mention it.

* *Δυναμεις.*
Rom. 13.

AS for the alledg'd Examples and Speeches of the Primitive Times, I see not much in them considerable: for tho' Insurrections against Princes cannot be produc'd, or rather much is said against them, yet we are to consider, that the Gospel of CHRIST (which was at that time not much defil'd by the World) engages not to any Domination, but (wholly taken up with its own Extasies, spiritual Delights and Expectations) neglects all other Affairs as strange and dangerous. And moreover (tho' I know what has been said to the contrary) I cannot find, after well considering those Ages, any probable ground how, if they would have rebel'd, they could have made any Head. They were indeed numerous, but then they had Legionaries among them; and who knows not what an ineffectual thing a People is (be it never so desirous) when overaw'd by the Soldiery? And they were a People (as Greatness to God and Man is different) not considerable for their worldly Power (for how few eminent Commanders were converted

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converted in the first Ages?) but out of his own mere choice, so that it was not strange if they could not do much. For God, as he chose the weakest means in planting the Gospel, even Fishermen; so, in the primitive Propagation he call'd the weaker Men, tho' Christianity afterwards grew ample and august, and Kings were proud to give their Names to it.

AS for the Fathers (supposing them free of their many Adulterations, Interpolations, and all those Errors and Incertainties which the process of time and fraud of Men has foisted into them) they are to be accepted only as Witnesses, not as Judges: that is to say, they may prove matter of Fact, but none of their words matter of Right; especially if we consider their Writings, either Homilies, Commentaries, or Controversies, which are ever directed to another end than this is, and they themselves (Men secluded from Business) are so much more unable to judge and resolve civil Controversies, in regard the unhappiness of the latter times has produc'd many Controversies not known or thought of in their days, which not falling directly under their Profession, cannot receive any Light or Authority from them.

HAVING thus consider'd Kingship, and how well it has appear'd thro' the false Lights of the Understanding, we shall now consider, whether, taking it by itself, its Foundations be laid upon a Cylinder or upon a Cube: and this, I think, we are the likeliest to do, if we consider them in their Rights and Uses, or, to speak plainer, in their Legality and Policy; so that if we find that none of the ways of retaining their Crowns can be authentic except one, and that one makes against them, we shall see we have no just causes of blind Adoration or implicit Obligation to truckle under any of their Commands. And if again we discover that sort of Government it self is not so profitable to the end of Civil Happiness, but rather diametrically opposite to it; we may suppose that Men are either strangely obstinate, or else they might eradicate an Error which not only offers so many Prejudices to their Understanding, but that has such an evil Influence upon their external Welbeing.

WE have then to consider, that for one Man to rule over Many, there must necessarily be pretended some Right, tho' it be but colourable; for either he must be chosen by the People as their Arbitrator and Supreme Judge, or else he must by force of Arms invade them, and bring them to Obedience, which he by Force preserving for his Sons, or Successors, makes way for a third Claim, which is Inheritance. A fourth some have invented, tho' were it real, it is but a difference of the last, and I therefore shall mention it under that Head. But to the Consideration.

FIRST therefore Election, supposing the People, either finding themselves unable to wield their own Happiness, or for preventing of Disorder, make choice of one Man to be set over them, it here instantly follows, that the Authority is in the People, and flowing from them; for Choice argues a Power, and being elected a Subordination to it; in the End, I mean, tho' not in every Act. Now there is none chosen but for some End, or for some Intentions reciprocal betwixt both Parties; for otherwise such a choice were but Dotage, and consequently invalid: Wherefore thus it will follow, that those who pretend to King it upon this Topic, must either shew a formal Election (which I think many Kings are not able to do) or if he can shew one, produce

The Grounds and

duce also the Conditions and Ends for which he was chosen. Now all parts being either implicit or explain'd, let him exhibit the Covenant, that it may be known whether he governs according to it or not; for if he transgresses, he forfeits, and the others are absolv'd from their promis'd Obedience. If the Agreement be unwritten or intentional, either Party is relatively ty'd; and then if he does any thing against the welfare of the People (that Sovereign Law and end of all Governments) the People may not only justly suppose the former Capitulation broken, but even endeavour, by what possible means they can, to restore themselves to their former Rights: For why should the making of a Compact prejudice any when it is once broken? And here comes in another Fallacy, with which the Assertors of Royalty have so flourish'd, that an Agreement between a People and one Man should descend to his Posterity; whereas it is to be consider'd, that the People choosing one Man is commonly in consideration of his Person and personal Merit; which not being the same in his Son (as commonly Families in the Horizon are in the Meridian, the Founders being braver than any that follow after them) that every intent is frustrated and ceases; and the People providing for the Happiness of a few years, which are determinable with uncertainty of the latter part of the Life of one Man, run themselves and their Posterity into an eternal Inconvenience (for any thing they know) of bad Governors. And if the People would never so formally agree with him, that in regard of his Merits or felicity of Actions, his Son should be receiv'd in that place, yet would they not stand to it, that very Pact expiring with the Life of either. For my Father may leave me notionally a Slave in a Tenure (a thing frequent with our Ancestors) or as Civilians term it, a Feodary, with which I am content, in respect of the Advantage it brings me, or because my own Estate is too little to be independant, and therefore I think it good prudence to be shelter'd under the protection of the greater; but my natural Liberty, that is to say, to make my Life as justly happy and advantageous to me as I may, he can no more give away from me than my understanding or Eye-sight: for these are Priviledges with which God and Nature have indu'd me, and these I cannot be deny'd but by him that will also deny me a Being. But to go on, Suppose a second Generation should accept the Son, and a third a Grandson, yet this confirms not a fourth; and the People very impolitically strengthen and confirm the Power by continuance, and in a manner with their own hands lay the Foundation of Absoluteness; their Governors themselves growing in Interests, increasing in Alliances and Forces; so it is very improbable but that within a little they grow too big and formidable, and leave nothing of Liberty except the Name, and (if they be less cunning) not that. A pertinent Example of this, and so near us that I cannot pass it, we see in young ORANGE and the *Low Countries* at this day, who continuing his Progenitors for their signal Services, and him for theirs, are now punish'd for their generous and indiscreet rewarding of Virtue, that their Liberty was lately almost blown up before they well perceiv'd it to be undermin'd, and they are now at charge to maintain their own Oppression. As for that formal Election and Stipulation, who sees not what a vain and ridiculous cheat it is, they coming with Swords in their hands to demand the Scepter of a weak and stupid multitude that appears only to gaze upon the Ceremonies, and whose refusal were ineffectual? but it is a gracious piece of the Cabal of *Tyranny* to deceive the People with Shadows, Fantasms, and names of Liberty.

AS for those that intrude by Force, they cannot certainly have the Forehead to infer any Right, they being but, as the Pirate said to ALEXANDER, public and more magnificent Robbers. Certainly these are the NIMRODS, the great Hunters, God's Scourges, and the Burdens of the Earth; and whether they be Founders of Empires, or great Captains (as BOCCALIN distinguishes them) they ought rather to be remember'd with horror and detestation, than have that undue Reverence with which they commonly meet.

YET these are they that lay the Foundations of Succession, and from these do the Successors claim, and enjoy with the less reluctance, because the regret of the Violences, and heat of the first daily wears out; whether it be by the continuance of Peace that charms Men into a love of ease, or that the continuance of Slavery enfeebles their Minds, that they rather choose to look at their present Enjoyment than real Happiness; so that it is not strange if the Person of their Oppressor becomes in time adorable, and he himself thinks that confirm'd and justify'd to him in process of time, to which in the beginning he had no right. But if we consider the business a little higher, we might find that since neither the People (as we have prov'd before) have power to make themselves Vassals, and the Intruders themselves cannot pretend any just Title; their Domination is merely illegal, and apt to be shaken off with the first convenience, it being every whit as equitable, that these Men should be judg'd Enemies of Mankind, and condemn'd to die the death of Parricides for usurping a Power, as NERO for abusing it. But I would fain ask the *Religious Defenders*, by what Law they can maintain Governments to be inherent in one, and to be transmitted to his Offspring? If they say by the Law of God, I would demand again how they can make this Law appear to me? If they say that the Scripture contains the Right and Sacredness of Kings, I ask them again, How they know that God extends that Privilege and Authority to this King? If they say, that he is involv'd in the general Right, they do but run into a Circle; unless they can shew me, that all his Approaches to the Government were regular, and such as God was pleas'd with, or else God had by some Sign and Wonder declar'd his approbation of him; for without these two, they must make God the Author of Evil, which is impious, and pretend his Commission for an unlawful Act; and by the same right, any other (as a Tyrant, for example) may pretend it to an Action never so unjust, it being no unusual thing to borrow the face of Divinity, even upon some foul Impostures, as (to forbear further Instances) NUMA's Conference with ÆGERIA, SCIPIO's Retirement into the Capitol, and SERTORIUS's white Hart.

Now if they pretend the Law of Nature, they must demonstrate to us, both that she endow'd Men with unequal Freedom, and that she shap'd out such a Man to rule; whereas it appears on the contrary, that all Men naturally are equal: for tho' Nature with a noble Variety has made different the Features and Lineaments of Men, yet as to Freedom, till it be lost by some external means, she has made every one alike, and given them the same Desires. But suppose she had intended such a Family for Government, and had given them some illustrious Marks, as we read of some that had, whether by the imagination of their Mothers, or by Deceit; yet then would Nature fall into a double Irregularity, first in deserting her Method of making all free, and secondly

condly in making her general Work merely subservient, and secondary to her particular; which how contrary it is to that beautiful Harmony of hers, I need not much insist. Now if they say, they are Fathers of the People, and for that reason they call themselves the Heads, inferring the People to be no more than a Trunk, it's only metaphorical, and proves nothing: for they must remember, that since *Father* has a relation upon which it depends, and upon whose removal it vanishes, they themselves cannot bring any such; for by physical procreation they will not offer it; and for metaphorical Dependence, it will come to nothing, we seeing People languish when their Princes are fullest, and, like Leeches, rather willing to burst than to fall off; and on the contrary, the People upon the removal of a Prince chearful and reliev'd. Now if there were so strict a Union between these two, such a Contrariety and Antipathy could never appear; for certainly when any two Persons endeavour to gain Ground one upon another, there is an Enmity, whatever is pretended. Besides, if these men would be Fathers, it were then their duty to do like Fathers, which is to provide for, defend and cherish; whereas on the contrary, it is they themselves that eat the Bread out of the Mouths of their Children, and thro' the Groans of the Poor. And whereas Flattery has said, that what they draw up in Vapours they send down in Showers, yet are we sure that such Rains are for the most part unfruitful, if not ominous and infectious. If they pretend the Law of Nations, it were well they would declare to us first what this Law is, and whether generally agreed on or no by Nations. If they say, yes, they must resolve whether explicitly or implicitly: if they say the former, let them produce them; if the latter, they must demonstrate, that all Nations are agreed in such and such Notions, and all Men of these nations, since every one must be of equal capacity: When on the contrary, tho' the Understandings of most Men, whom we know or have convers'd with, seem to agree in some general Maxims, but unpolish'd, unnumbered, and unmethodized, yet we see many Nations differing from us in many things, which we think clearly, fundamentally, and naturally true; neither do Climates and Education only so diversify the Minds of men, but even their Understandings, and the different ways of thinking so distinguish even those of one Country, that tho' we may please our selves in thinking that all Men's thoughts follow the fantastical method of ours, yet we might find, if we were perfectly conversant with all Men of the World, and well read in their Authors (as we are not with half of them, no, nor any one man with the twentieth part) that there are scarce four or five Axioms, excepting as they make a part of the Law of nature, would be universally receiv'd. Now (for I have been the longer by reason that this imaginary Law has been so held up by the Civilians, and made the subterfuge of so many considerable Disputes) if it be so weak as that we can scarce tell whether it has a being or no, for even that which we account the most sacred piece of it, the violation of public Messengers, the *Tartar* and *Muscovite*, unless restrain'd by fear, break it every day. What then are the Arguments deduc'd from it? or if there were such a Law, what would it avail such a particular Man? for why should other Nations impose a Governor where they are not concern'd? And if they pretend this Law as to the preservation and impunity of their Persons, the same Answer will serve again, with this Addition, That they make an Offender incapable of Punishment,

ment, which is but to give them a Commission to offend. Now if they run upon that distinction of suspending only, and not punishing (as if forsooth this kind of People must be preserv'd, tho' by the ruin of Mankind, to immediate Vengeance) then I say, That Suspension is really a Punishment; and if his Demerits can deserve that, I see not but that upon a proportionable Increase, they may deserve Dethronization or Death, as clearly as two and two make four, and four more make eight. If they alledge positive or municipal Laws, and number *Homages*, they are not much the nearer, since that all such Laws are but Rivulets and Branches of them we before examin'd; and since we found that those speak so little in their favour, that which these do cannot signify much, especially since Princes, who are ever watchful to improve all occasions of this Nature, can either by Terror or Artifice draw Assemblies, or the major part of them, to their own Lure; nay, even the worst of them have not forgot to be solicitous in this Case. But it must be remark'd, That whatever positive Laws are repugnant to those general ones, they are Injurious, and ought to be repeal'd. And truly it is a sad Observation, that as Monarchs grow, either out of the Weakness of Government, and (as I may say) its Pupilage, as ROMULUS and THESEUS did at *Rome* and *Athens*, or else out of the disease or depravation of it, as CÆSAR again invaded *Rome*: so have the People been never more fond of them, than when Manners were at the highest Corruption, which ever gave Access of Strength to them; nor have they more distast'd them, than when their Spirits and Discipline were the most brave and healthful: So fatally disagreeing are true Liberty, which is the very Source of Virtue and Generosity, and the impotent Domination of a single Tyrant, why commonly reigns by no other means than the Discords of braver Citizens, who can neither indure Equality or Superiority among themselves, and rather admit a general Vassalage, than just Equality; or by the Vices of the baser sort, which naturally reconcile them and Kings, and concern them both in a bad Example. But suppose Succession a thing sacred and inviolable, yet once break and interrupt it, it is little worth, either the Usurper being to be acknowledg'd regular, or the whole Series dash'd out of order. Nay, we see Aspirers themselves either so blinded with their Pretences, or with Animosity, and so crying up their own Titles, that it is almost impossible for any private Judgment to do right in this case, themselves thwarting one another; and it cannot be in the power of Nature that both should be right. But who can instance one Monarch whose Crown is come to him by untainted Succession? and what History will not confirm the Example I shall anon bring? Certainly tho' Succession were a Thing that had not so little reason or reality, yet I see not why Men should with such a strange pertinacy defend it. Matters of Government ought to be manag'd by Prudence; but Succession puts them into the hands of Fortune, when a Child incapable or infirm, under the regiment of a Nurse, must (possibly) be Supreme Governor, and those whom either their Abilities or Virtues fit for it, Subordinate or laid aside. But what if the Person whom Necessity has set at the stern be incapable, lunatic, weak, or vitious, is not this a good way to prevent Controversies? yet this plainly enervates all good Council, when a King should have need of Tutors, and that a Multitude of People should be commanded by one who commands not himself; and, when we scarce obey even excellent Princes, to adore Shadows and weak ones,

AS for BOXHORNIIUS's distinction of Succession, wherein the next Heir must necessarily succeed by the Original Right of the former, I would ask him, whether the Predecessor were a Possessor or Ufructuary? If the first, all our former Arguments fall on him; if the latter, it makes not for his Successor, the People being Owners: and besides, the distinction is one of his own coining, never pretended before; upon the first Controversy it is invalid, altho' the first Founder had a Right, as we have prov'd the contrary.

HAVING, with what brevity I could, brought to an end my first Intention, I shall now fall upon the second, which is the intrinsic value and expediency of this Government, and some little comparison with others; but herein we shall be short, and only so far as concerns this. And indeed it is a business so ticklish, that even Mr. HOBBS in his Piece *de Cive*, tho' he assur'd himself that the rest of his Book (which is principally calculated for the assertion of Monarchy) is demonstrated, yet he doubts whether the Arguments which he brings to this business be so firm or not; and MALVEZZI contrarily remonstrates (in his Discourses upon TACITUS) that Optimacies are clearly better than Monarchies, as to all advantages. And indeed if we look on the Arguments for Monarchy, they are either Flourishes, or merely Notions; such are the reference and perfection of Unity, which, say they, must needs work better and more naturally, as one simple Cause (besides that it stills and restrains all other claims) than many co-ordinate: whereas they never consider that tho' among many joint Causes there may be some jarring, yet like cross Wheels in an Engine, they tend to the regulation of the whole. What violent Mischiefs are brought in by the Contentions of Pretenders in Monarchies, the Ambiguities of Titles, and lawless Ambition of Aspirers? whereas in a settled Republic all this is clear and unperplex'd; and in case any particular Man aspires, they know against whom to join, and punish as a common Enemy. As for that reason which alledges the advantage of Secrecy in business, it carries not much with it, in regard that under that even most pernicious designs may be carried on; and for wholesome Councils (bating some more nice Transactions) it matters not how much they be tost among those who are so much intrusted and concern'd in them, all bad designs being never in probability so feeble and ineffectual, as when there are many Eyes to overlook them, and voices to decry them. As for that expedition in which they say Monarchs are so happy, it may as well further a bad intention, as give effect to a just Council, it depending on the Judgment of a single man, to whose will and ends all must refer; whereas a select number of intrusted Persons may hasten every opportunity with a just slowness as well as they, tho' indeed (unless it be in some Military critical Minutes) I see not such an Excellency in the swiftness of heady Dispatch, Precipitation in Councils being so dangerous and ominous. As for what concerns private Suitors, they may as speedily and effectually (if not more) be answer'd in staid Republics, as in the Court of a King, where Bribery and unworthy Favourites do not what is just, but what is desir'd.

WITH these and many others as considerable (which partly willingly, and partly in this penury of Books, forgettingly I pass) do they intend to strengthen this fantastical and airy Building; but as sly Controversers many times leave out the principal Text or Argument, because should it be produc'd, it could not be so easily answer'd: so
these

these Men tell us all the Advantages of Monarchy, supposing them still well settled, and under virtuous Men; but you shall never hear them talk of it in its corrupt state under lewd Kings and unsettled Laws; they never let fall a word of the dangers of Inter-reigns, the Minorities and Vices of Princes, Misgovernments, evil Councils, Ambitions, Ambiguities of Titles, and the Animosities and Calamities that follow them, the necessary Injustices and Oppressions by which Monarchs (using the People's Wealth and Blood against themselves) hold them fast in their Seats, and, by some suspension of Divine Justice, die not violently.

WHEREAS other Governments, establish'd against all these Evils, being ever of Vigour and just Age, settled in their own Right, freed from pretences, serv'd by experienc'd and engag'd Councils, and (as nothing under the Moon is perfect) sometimes gaining and advantag'd in their Controversies, which have not seldom (as we may see in Old Rome) brought forth good Laws and Augmentations of Freedom; whereas once declining from their Purity and Vigour, and (which is the effect of that) ravish'd by an Invader, they languish in a brutish Servitude, (Monarchy being truly a Disease of Government) and like Slaves, stupid with harshness and continuance of the lash, wax old under it, till they either arrive at that Period which God prescribes to all People and Governments, or else better Stars and Posterity awaken them out of that Lethargy, and restore them to their pristine Liberty, and its Daughter Happiness.

BUT this is but to converse in Notions, wandering, and ill abstracted from things; let us now descend to practical Observation, and clearly manifest out the whole Series of Time and Actions, what Circumstances and Events have either usher'd or follow'd one Race of Kings, That if there were all the Justice in the World that the Government of a Nation should be entail'd upon one Family, yet certainly we could not grant it to such a one whose criminal Lives and formidable Deaths have been Evidences of God's Wrath upon it for so many Generations.

AND since no Country that I know yields such an illustrious Example of this as *Scotland* does, and it may be charity to bring into the way such as are misled, I have pitch'd upon the *Scottish* History, wherein as I have only consulted their own Authors, as my fittest Witnesses in this case; so have I (not as a just History, but as far as concerns this purpose) faithfully, and as much as the thing would permit, without glosses represented it: so that any calm Understanding may conclude that the Vengeance which now is level'd against that Nation, is but an attendant of this new introduc'd Person; and that he himself, tho' for the present he seems a *Log* among his Frogs, and suffers them to play about him, yet God will suffer him (if the *English* Army prevents not) to turn *Stork* and devour them, while their Cries shall not be heard, as those that (in spite of the warning of Providence, and the light of their own Reasons, for their own corrupt Interest and greedy Ambition) brought these Miseries upon themselves.

An Instance of the preceding REASONS out of the
SCOTISH HISTORY.

The SECOND PART.

- A**ND now we come to our main Business, which is the review of Story, wherein we may find such a direct and uninterrupted Series, such mutual Endearments between Prince and People, and so many of them crown'd with happy Reigns and quiet Deaths (two successively scarce dying naturally) that we may conclude, they have not only the most reason, but a great deal of excellent Interest who espouse the Person and Quarrel of the hopeful Descendant of such a Family: nor shall we be so injurious to the Glory of a Nation, proud with a Catalogue of Names and Kings, as to expunge a great part of their number; tho' some, who have done it, affirm there can be no probability that they had any other being than what HECTOR BOYES, and the black book of *Pasley* (out of which BUCHANAN had most of his Materials) are pleas'd to bestow on them, there being no mention of the name of *Scot* in any Authentic Writer till four hundred years after CHRIST. No, we shall no more envy these old Heroes to them, than their placing the Red Lion in the dexter Point of their Escutcheon. But tho' we might in justice reject them as fabulous and monkish, yet since they themselves acknowledge them, and they equally make against them, we shall run them over like genuine History. The first of this blessed Race was FERGUS; first General, and afterward got himself made King: but no sooner cast away on the Coast of *Ireland* but a Contention arises about the validity of their Oath to him, and Uncles are appointed to succeed, which argues it Elective: so FERITHARIS Brother to FERGUS is King, but his Nephew forms a Conspiracy against him, forces him to resign and fly to the Isles, where he dy'd. FERITHARIS dying soon after, was suspected to be poison'd. After him comes in MAIN (FERGUS's second Son) who with his Son DORNADILLA, reign'd quietly fifty seven years. But REUTHER his Son not being of Age, the People make his Uncle NOTHAT take the Government; but he misruling, REUTHER, by the help of one DOUAL, rais'd a Party against him, and beheads him, makes himself King with the Indignation of the People that he was not elected: so that by the Kindred of NOTHAT he is fought, taken, and displac'd; but afterwards makes a Party, and regains. His Son THEREUS was too young, so that his Brother RHEUTHA succeeded, but after seventeen years was glad to resign. Well, THEREUS reigns, but after six years declines to such Lewdness that they force him to fly, and govern by a *Prorex*. After his Death JOSINA his Brother, and his Son FINAN are Kings, and quietly die so.
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11. BUT then comes DURST, one who slays all the Nobility at a Banquet, and is by the People slain. After his Death the validity of the Oath to FERGUS is call'd in question, and the elective Power vindicated; but at length EVEN his Brother is admitted, who tho' he
 12. rul'd

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rul'd valiantly and well, yet he had GILLUS a Bastard Son, *Vafer & Regni cupidus*. The next of the Line are Twins, DOCHAM and DORGAL, Sons of DURST: the while they disputed about priority of Age, are, by the Artifice of GILLUS, slain in a Tumult; who makes a strong Party, and seizing of a Hold, says he was made Supervisor by his Father, and so becomes King, cuts off all the Race of DURST: but is after fore'd out of the Kingdom, and taken by EVEN the Second his Successor (who was chosen by the People) and by him put to Death in *Ireland*. After EVEN comes EDER: after EDER his Son EVEN the Third, who for making a Law, that the Nobility should have the Enjoyment of all new marry'd Women before they were touch'd by their Husbands, was doom'd to Prison during his Life, and there strangl'd. His Successor was his Kinsman METELLAN: after whom was elected CARATAC, whom his Brother CORBRET succeeded. But then came DARDAN (whom the Lords made to take on him the Government, by reason of the Nonage of CORBRET's Son) who for his Lewdness was taken by the People, and beheaded.

AFTER him CORBRET the Second, whose Son LUCTAC for his Lewdness was by the People put to death; then was elected MOGALD, who following his vitious Predecessors steps, found his Death like theirs violent.

HIS Son CONAR, one of the Conspirators against him, succeeded, but misgoverning, was clapt in Prison, and there dy'd.

ETHODIUS his Sister's Son succeeded, who was slain in the night in his Chamber by his Piper.

HIS Son being a Minor, SATRAEL his Brother was accepted, who seeking to place the Succession in his own Line, grew so hateful to the People, that, not daring to come abroad, he was strangl'd in the night by his own Servants, which made way for the youngest Brother.

DONALD, who outdid the others Vices by contrary Virtues, and had a happy Reign of one and twenty years.

ETHODIUS the Second, Son of the first of that Name, was next, a dull inactive Prince, *Familiarium tumultu occisus*.

HIS Son ATHIRCO promis'd fair, but deceiv'd their expectations with most horrid Lewdness, and at length vitiated the Daughters of NATHALOCK a Nobleman, and caus'd them to be whipt before his Eyes; but seeing himself surrounded by Conspirators, eluded their Fury with his own Sword; his Brother and Children being forc'd to fly to the *Picts*. NATHALOCK, turning his Injury into Ambition, made himself King, and govern'd answerably; for he made most of the Nobility to be strangl'd, under pretence of calling them to Council, and was after slain by his own Servants.

AFTER his Death ATHIRCO's Children were call'd back, and FINDOC his Son, being of excellent hopes, accepted, who made good what his Youth promis'd: he beat in sundry Battels DONALD the Ilander; who seeing he could not prevail by force, sent two as Renegados to the King, who (being not accepted) conspire with his Brother, by whose means one of them slew him with a Spear when he was hunting.

HIS Brother DONALD succeeds (the youngest of the three) who, about to revenge his Brother's Death, hears the Ilander is enter'd *Mur-*

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ray; whom he encountering with unequal Forces, is taken Prisoner with thirty of the Nobility, and whether of Grief, or his Wounds, dies in Prison.

33. THE Ilander that had before usurp'd the Name, now assum'd the Power (the Nobles, by reason of their kindred Prisoners, being overaw'd) This man wanting nothing of an exquisite Tyrant, was, after twelve years Butcheries, slain by CRATHLINTH Son of FINDOC, who under a disguise found Address and Opportunity. The brave
34. Tyrannicide was universally accepted, and gave no cause of Repentance; his Reign is famous for a War begun between the *Scots* and *Picts* about a Dog (as between the *Trojans* and *Italians* for a white Hart) and the defection of CARAUSIUS from DIOCLESIAN which happen'd in his time.
35. HIS Kinsman FINCORMAC succeeded worthy of memory for little but the Piety of the *Culdys* (an Order of religious Men of that time overborn by others succeeding) He being dead, three Sons of
36. his three Brothers contended for the Crown: ROMACH as the eldest, strengthen'd by his Alliance with the *Picts*, with their assistance seiz'd on it, forcing others to fly; but proving cruel, the Nobility conspir'd and slew him.
37. ANGUSIAN, another pretender, succeeds, who being assail'd by NECTHAM King of the *Picts*, who came to revenge ROMACH, routed his Army in a pitch Battle; but NECTHAM coming again, he was routed, and both he and NECTHAM slain.
38. FETHELMAC, the third Pretender, came next, who beating the *Picts*, and wasting their Fields, HERGUST, when he saw there could be no advantage by the Sword, suborn'd two *Picts* to murder him, who drawing to conspiracy the Piper that lay in his Chamber (as the manner was then) he at the appointed time admitted them, and there slew him.
39. THE next was EVGEN Son of FINCORMAC, who was slain in a Battle with the *Picts*, to the almost extirpation and banishment of the *Scots*; but at last the *Picts*, taking distaste at the *Romans*, enter'd into a secret League with the *Scots*, and agreed that FERGUS
40. (whose Uncle the last King was) being then in banishment, and of a military breeding and inclination, should be chosen King. With him the *Danes* maintain'd a long War against the *Romans*, and pull'd down the *Picts* wall: at last he and the King of *Picts* were in one day slain in a Battle against them. This Man's access to Government was strange, *ignotus Rex ab ignoto populo accersitus*, and may be thought temerarious; he having no Land for his People, and the *Roman* Name inimical; yet founded he a Monarchy, there having been Kings ever since; and we are to note, this is the first man that the founder Writers will allow to be real and not fabulous. Him succeeded his Son
41. EUGENIUS (whose Grandfather GRAHAM had all the power) a warlike Prince, whom some say slain, some dead of a disease. After
42. him his Brother DONGARD, who after the spending of five superstitious years, left the Crown (as they call it) to his youngest Brother
43. CONSTANTIN; who from a good private Man turn'd a lewd Prince, and was slain by a Nobleman, whose Daughter he had ravish'd.
44. He was succeeded by CONGAL, CONSTANTIN's Son, who came a tolerable good Prince to a loose People; and having spent some two and twenty years in flight excursions against the *Saxons*, left the rule
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to his Brother GORAN, who notwithstanding he made a good League against the *Britains*, which much conduc'd to his and the People's Settlement, yet in requital, after thirty four Years, they made away with him; which brought in EUGENIUS, the third of that Name, the Son of CONGAL, who was strongly suspected to have a hand in his Death, insomuch that GORAN's Widow was forc'd to fly into *Ireland* with her Children. This Man in thirty three Years time did nothing but reign, and make short Incurfions upon the Borders; he left the Rule to his Brother CONGAL, a monastical, superstitious, and inactive Prince, who reign'd ten years. KINNATEL his Brother was design'd for Successor; yet AIDAN the Son of GORAN laid his claim, but was content to suspend, in respect of the Age and Diseases of KINNATEL, which after fourteen Months took him out of the World, and clear'd the controversy, and AIDAN by the Consent of COLUMBA (a Priest that govern'd all in those Days) came to be King; a Man that, after thirty four Years turbulently spent, being beaten by the *Saxons*, and struck with the Death of COLUMBA, dy'd of Grief.

AFTER him was chosen KENNETH, who has left nothing behind him but his Name. Then came EUGENIUS the Fourth, the Son of AIDAN (so irregular is the *Scots* Succession, that we see it inverted by Usurpation or cross Elections in every two or three Generations) This Man left an ambiguous Fame; for HECTOR BOETIUS says he was peaceable; the Manuscript, implacably severe: He reign'd sixteen years, and left his Son FERCHARD Successor, who, endeavouring to heighten the Prerogative by the Dissensions of the Nobility, was on the contrary impeach'd by them, and call'd to an account, which he denying, was clapt in Prison, where he himself sav'd the Executioner a Labour. So that his Brother DONALD succeeded, who being taken up with the Piety of those Days, left nothing memorable, except that he in person interpreted *Scots* Sermons to the *Saxons*. He was follow'd by his Nephew FERCHARD, Son to the first of that Name, a Thing like a King in nothing but his Exorbitancies, who in hunting was wounded by a Wolf, which cast him into a Fever, wherein he not observing the impos'd Temperance, brought on himself the lousy Disease; upon which discomforted, he was by the Persuasion of COLMAN (a religious Man) brought out in his Bed cover'd with Hair-cloth, where he made a public Acknowledgment to the People, and soon after dy'd. MALDWIN, DONALD's Son, follow'd, who after twenty Years ignoble Reign was strangled by his Wife. EUGENIUS the Fifth succeeded, Son (they say) of King DONGARD, tho' Chronology seems to refute it. This Man spent five Years in slight Incurfions, and was succeeded by EUGENIUS the Sixth, Son of FERCHARD. This Man is famous for a little Learning, as the Times went, and the Prodigy of raining Blood seven Days, all Milkmeats turning into Blood. AMBERKELLETH, Nephew to EUGENIUS the Fifth, who succeeded this rude Prince, while he was discharging the Burden of Nature, was slain by an Arrow from an unknown Hand. EUGENIUS the Seventh follow'd, who being attempted by Conspirators, had his new marry'd Wife slain in Bed beside him; for which he being accus'd, produc'd the Murderers before his Trial, and was acquitted, and so ended the rest of his 17 Years in Peace, recommending to the People MORDAC, Son of AMBER-

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61. KELLETH, who continuing a blank Reign, or it may be a happy one, in regard it was peaceable, left it to ETFYN Son of EUGENIUS the Seventh: the first part of his Reign was peaceable; but Age obliging him to put the Government into the Hands of four of his Servants, it happen'd to him, as it does to other Princes, whose Fortunes decay commonly with their Strength, that it was very unhappy and turbulent: Which Miseries EUGENIUS the Eighth, Son of MORDAC, restrain'd. But he, it seems, having a Nature fitter to appease Tumults than to enjoy Rest, at the first Enjoyment of Peace broke into such Lewdness, that the Nobility at a meeting stab'd him, and made way for FERGUS the Son of ETFYN, one like his Predecessor in manner, death, and continuance of Reign, which was three Years; the only dissimilitude was, that the latter's Wife brought his Death; for which others being impeach'd, she step'd in and confest it; and to avoid Punishment, punish'd her self with a Knife. SOLUATH, Son of EUGENIUS the Eighth, follow'd him, who tho' his Gout made him of less Action, yet it made his Prudence more visible, and himself not illaudable: His Death brought in ACHAIUS the Son of ETFYN, whose Reign was ennobled with an *Irish* War, and many learned Men; besides the Assistance lent HUNGUS to fight against the *Northumbrians*, whom he beat in a famous Battle, which (if I may mention the matter) was presignified to HUNGUS in a Dream, St. *Andrew* appearing to him, and assuring him of it; and in the time of Battle a white Cross (that which the Heralds call a Saltier, and we see commonly in the *Scots* Banners) appear'd in the Sky; and this I think to have been the Occasion of that bearing, and an Order of Knights of St. *Andrew*, sometimes in Reputation in *Scotland*, but extinguish'd, for ought I can perceive, before the time of JAMES the Sixth, tho' the Collar and Pendant of it are at this day worn about the *Scots* Arms. To this Man CONGAL his Cousin succeeded, who left nothing behind him but five years to stretch out the account of time.
62. DONGAL the Son of SOLUATH came next, who being of a Nature fierce and insupportable, there was an endeavour to set up ALPIN Son of ACHAIUS, which Design by ALPIN himself was frustrated, which made the King willing to assist ALPIN in his Pretension to the Kingdom of *Picts*; in which Attempt he was drown'd, and left to ALPIN that which he before had so nobly refus'd, who making use of the former, rais'd an Army, beat the *Picts* in many signal Victories; but at last was slain by them, leaving his name to the place of his Death, and the Kingdom to his Son KENNETH.
63. This Man seeing the People broken with the late War, and unwilling to fight, drew them on by this Subtility; he invites the Nobility to dinner, and after plying them with Drink till Midnight, leaves them sleeping on the floor (as the manner was) and then hanging Fishskins about the Walls of the Chamber, and making one speak thro' a Tube, and call them to War; they waking, and half asleep, suppos'd something of Divinity to be in it, and the next morning not only consented to War, but (so strange is deluded Imagination) with unspeakable Courage fell upon the Enemy and put them to the Rout; which being confirm'd by other great Victories, utterly ruin'd the *Pictish* Name. This Man may be added to the two FERGUSES, and truly may be said to be the Founder of the *Scots* Empire, not only in making that the middle of his Dominion, which was once the Bounds, but in confirming his
64. Acqui-
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Acquisitions with good Laws, having the opportunity of a long Peace, which was sixteen years, his whole time of Government being twenty. This was he that plac'd that Stone, famous for that illusory Prophecy, *Ni fallat fatum*, &c. (which first was brought out of *Spain* into *Ireland*, and from thence into *Argyle*) at *Scoon*; where he put it in a Chair, in which all his Successors (till *EDWARD* the First brought it away) were crown'd, and since that all the Kings of *England*, till the happiness of our Commonwealth made it useless. His Brother *DONALD* was his Successor, a man made up of extremities of Virtues and Vices; no man had more bravery in the Field, nor more Vice at home, which increasing with his years, the Nobility put him in prison, where either for fear or scorn he put an end to his days, leaving behind him his Brother *CONSTANTIN*, a Man wanting nothing of him but his Vices, who struggling with a potent Enemy (for the *Picts* had call'd in the *Danes*) and driving them much into despair (a Bravery that has not seldom ruin'd many excellent Captains) was taken by them, put into a little Cave, and there slain. He was succeeded by *ETHUS* his Brother, who had all his eldest Brother's Vices, and none of his second's Virtues; Nature, it seems, making two extremes and a middle in the three Brethren. This man voluptuous and cowardly, was forc'd to resign; or, as others say, dy'd of Wounds receiv'd in a Duel from his Successor, who was *GREGORY* Son of *DONGAL*, who was not only an excellent Man, but an excellent Prince, that both recover'd what the others had lost, and victoriously travers'd the Northern Counties of *England*, and a great part of *Ireland*; of whose King a Minor, and in his power, he generously made no advantage, but settled his Country, and provided faithful and able Guardians for him. These things justly yield him the name of *Great*. *DONALD* Son of *CONSTANTIN* the Second, by his recommendation, succeeded in his Power and Virtues, notwithstanding some say he was remov'd by Poison. Next was *CONSTANTIN* the Third, Son of *ETHUS*, an unstable person, who assisted the *Danes*, which none of his Predecessors would do; and after they had deserted him basely, yet yielded them Succours, consisting of the chief of the *Scots* Nobility, which with the whole *Danish* Army were routed by the *Saxons*. This struck him so, that he retir'd among the *Cul-dys* (which were as the Greek Caloyers, or Romish Monks at this day) and there bury'd himself alive. After him was *MILCOM*, Son of *DONALD* the Third, who tho' a good Prince, and well skill'd in the Arts of Peace, was slain by a Conspiracy of those to whom his Virtue was burdensome. His Successor was *INDULF* (by what Title I find not) who fighting with the *Danes*, that with a Navy unexpectedly came into the *Frith*, was slain. *DUF* his Son succeeds, famous for an Accident, which if it be true, seems nearly distant from a Fable. He was suddenly afflicted by a sweating Disease, by which he painfully languish'd; yet no body could find the cause, till at last a Girl, that had scatter'd some words, after torments, confest that her Mother and some other women had made an Image of Wax, which, as it wasted, the King should waste, by sweating much; the place being diligently search'd, it was found accordingly: so the Image being broke, he instantly recover'd. That which disturb'd his five Years Reign was the turbulency of the Northern People, whom, when he had reduc'd and taken, with intent to make exemplary Punishment, *DONALD* the

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- Commander of the Castle of *Forres*, where he then lay, interceded for some of them; but being repuls'd, and exasperated by his Wife, after he had made all his Servants drunk, flew him in his Bed, and bury'd him under a little Bridge (lest the cutting of Turfs might discover a Grave) near *Kilros* Abbey; tho' others say, he turn'd aside a River, and after he had bury'd him, suffer'd it to take its former Channel. 79. CULEN the Son of INDULF, by the Election of Parliament, or Convention of the People, succeeded, good only in this one Action, of inquiring and punishing his Predecessor's Death; but after, by the neglect of Discipline, and the exquisiteness of his Vices, became a Monster, and so continued three years, till being weakned and exhausted in his Body, and vext with perpetual Diseases, he was summon'd by the Parliament, and in the way was slain by a *Thane* (so they then call'd Lieutenants of Counties) whose Daughter he had ravish'd.
80. THEN came KENETH, brother to DUF (tho' the forepart of his Reign was totally unlike his) who being invaded by the *Danes*, beat them in that famous Battle, which was won by the three HAYS, Husbandmen (from whom all the HAYS now give three Shields Gules) who with their Scythes reinforc'd the lost Battle; but in his latter time he lost this reputation, by poisoning MILCOLM Son of DUF, to preserve the Crown for a Son of his Name, tho' of less merit (for says BUCHANAN, *They use to choose the fittest, not the nearest*) which being done, he got ordain'd in a Parliament, that the Succession should be lineal, the Son should inherit, and be call'd Prince of *Scots*; and if he were a Minor, be govern'd by some wise Man (here comes the pretence of Succession, whereas before it was clearly Elective) and at fifteen he should choose his Guardian himself. But the Divine Vengeance, which seldom, even this life, passes by Murder, overtook him; for he was ensnar'd by a Lady, whose Son he had caus'd to be executed, and slain by an Arrow out of an Ambush she had laid.
81. CONSTANTIN the Son of CULEN, notwithstanding all the Artifice of KENNETH, by his reasoning against the Act, persuaded most of the Nobility to make him King, so that MILCOLM the Son of KENNETH and he made up two Factions, which tore the Kingdom; till at length MILCOLM's Bastard Brother (himself being in *England* assisting the *Danes*) fought him, routed his Army, and with the loss of his own Life took away his, they dying of mutual Wounds.
82. GRIME, of whose Birth they do not certainly agree, was chosen by the *Constantinians*, who made a good Party; but at the Intercession of FORARD (an accounted Rabbi of the times) they at last agreed, GRIME being to enjoy the Kingdom for his Life, after which MILCOLUMB should succeed, his Father's Law standing in force. But he, after declining into Lewdness, Cruelty and Spoil (as Princes drunk with Greatness and Prosperity use to do) the People call'd back MILCOLUMB, who rather receiving Battle than giving it (for it was upon Ascension-day, his principal Holy-day) routed his Forces, wounded himself, took him, pull'd out his Eyes, which altogether made an end of his Life, all Factions and Humours being reconcil'd.
83. MILCOLUMB, who with various Fortune fought many signal Battles with the *Danes*, that under their King SUENO had invaded *Scotland*, in his latter time grew to such Covetousness and Oppression, that all

all Authors agree he was murder'd, tho' they disagree about the Manner; some say by Confederacy with his Servants; some by his Kinsmen and Competitors; some by the Friends of a Maid whom he had ravish'd. DONALD his Grandchild succeeded, a good-natur'd and inactive Prince, who with a Stratagem of sleepy Drink destroy'd a *Danish* Army, that had invaded and distress'd him; but at last being insnar'd by his Kinsman MACKBETH (who was prick'd forward by Ambition, and a former Vision of three Women of a four human shape, whereof one saluted him *Thane* of *Angus*, another Earl of *Murray*, the third King) he was beheaded.

84.

THE Severity and Cruelty of MACKBETH was so known, that both the Sons of the murder'd King were forc'd to retire, and yield to the Times, while he courted the Nobility with Largeesses. The first ten Years he spent virtuously, but the Remainder was so savage and tyrannical, that MACDUF Thane of *Fife* fled into *England* to MILCOLM Son of DONALD, who by his Persuasions, and the Assistance of the King of *England*, enter'd *Scotland*, where he found such great Accessions to his Party, that MACKBETH was forc'd to fly; his Death is hid in such a Mist of Fables, that it is not certainly known.

85.

MILCOLUMB, the third of that Name, now being quietly seated, was the first that brought in those gay Inventions and Distinctions of Honours, as Dukes, Marqueesses, (that now are become so airy, that some carry them from Places to which they have as little Relation as to any Island in *America*, and others from Cottages and Dove-cotes) his first trouble was FORFAR, MACKBETH's Son, who claim'd the Crown, but was soon after cut off. Some War he had with that WILLIAM whom we call falsely the Conqueror, some with his own People, which by the Intercession of the Bishops were ended. At length quarrelling with our WILLIAM the second, he laid siege to *Alnwick* Castle, which being forc'd to Extremity, a Knight came out with the Keys on a Spear, as if it were to present them to him, and to yield the Castle; but he, not with due heed receiving them, was run through the Eye and slain. Some from hence derive the Name of PIERCY (how truly I know not) his Son and Successor EDWARD following his Revenge too hotly, receiv'd some Wounds, of which within a few days he dy'd.

86.

DONALD BANE (that is in Irish, *White*) who had fled into the Isles for fear of MACKBETH, promis'd them to the King of *Norway*, if he would procure him to be King, which was done with ease, as the Times then stood; but this Usurper being hated by the People, who generally lov'd the Memory of MILCOLM, they set DUNCAN, MILCOLM's Bastard, against him, who forc'd him to retire to his Isles. DUNCAN a military Man shew'd himself unfit for Civil Government; so that DONALD, waiting all Advantages, caus'd him to be beheaded, and restor'd himself: But his Reign was so turbulent, the Islanders and *English* invading on both sides, that they call'd in EDGAR Son of MILCOLM, then in *England*, who with small Assistances possess'd himself, all Men deserting DONALD, who being taken and brought to the King, dy'd in Prison. EDGAR secure by his good Qualities, and strengthen'd by the *English* Alliance, spent nine Years virtuously and peaceably; and gave the People leave to breath and rest, after so much Trouble and Bloodshed. His Brother

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90. ALEXANDER, surnam'd ACER, or the *Fierce*, succeeded; the beginning of whose Reign being disturb'd by a Rebellion, he speedily met them at the *Spey*, which being a swift River, and the Enemy on the other side, he offer'd himself to ford it on Horseback: but ALEXANDER CAR taking the Employment from him, forded the River with such Courage, that the Enemy fled, and were quiet the rest of his Reign. Some say he had the Name of ACER, because some Conspirators being by the Fraud of the Chamberlain admitted into his Chamber, he casually waking, first slew the Chamberlain, and after him six of the Conspirators, not ceasing to pursue the rest, till he had slain most of them with his own Hands: this with the building of some Abbies, and seventeen Year's Reign, is all we know of him.
91. HIS Brother DAVID succeeded, one whose profuse Prodigality upon the Abbies brought the Revenue of the Crown (so prevalent was the Superstition of those Days) almost to nothing. He had many Battles with our STEPHEN about the Title of MAUD the Empress; and having lost his excellent Wife and hopeful Son in the flower of their Days, he left the Kingdom to his Grandchildren, the eldest whereof was MILCOLUMB a simple King, baffl'd and led up and down into *France* by our HENRY the Second; which brought him to such contempt, that he was vex'd by frequent Insurrections, especially them of *Murray*, whom he almost extirpated. The latter part of his Reign was spent in building Monasteries; he himself ty'd by a Vow of Chastity, would never marry, but left for his Successor his Brother
92. WILLIAM, who expostulating for the Earldom of *Northumberland*, gave occasion for a War, in which he was surpriz'd and taken, but afterwards releas'd upon his doing Homage for the Kingdom of *Scotland* to King HENRY, of whom he acknowledg'd to hold it, and putting in caution the Castles of *Roxboro* (once strong, now nothing but Ruins) *Barwic*, *Edinburg*, *Sterling*, all which notwithstanding was after releas'd by RICHARD *Cœur de Lyon*, who was then upon an Expedition to the Holy War; from whence returning, both he and DAVID Earl of *Huntingdon*, Brother to the King of *Scots*, were taken Prisoners. The rest of his Reign (except the rebuilding of *St. Johnston*, which had been destroy'd by Waters, whereby he lost his eldest Son, and some Treaties with our King JOHN) was little worth Memory; only you will wonder that a *Scotish* King could reign forty nine Years, and yet die in peace.
93. ALEXANDER his Son succeeded, famous for little, except some Expeditions against our King JOHN, some Insurrections, and a Reign two Years longer than his Father's. His Son was the third of that Name, a Boy of eight Years old, whose Minority was infested with the turbulent CUMMINS; who when he was of age, being call'd to account, not only refus'd to appear, but surpriz'd him at *Sterling*, governing him at their pleasure. But soon after he was awak'd by a furious Invasion of ACHO King of *Norway* (under the pretence of some Islands given him by MACKBETH) whom he forc'd to accept a Peace, and spent the latter part amidst the Turbulencies of the Priests (drunk at that time with their Wealth and Ease) and at last having seen the continu'd Funerals of his Sons DAVID, ALEXANDER, his Wife, and his Daughter, he himself with a fall from a Horse broke his Neck, leaving of all his Race only a Grandchild by his Daughter, which dy'd soon after.
- 94.
- 95.

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THIS Man's Family being extinguish'd, they were forc'd to run to another Line, which, that we may see how happy an expedient immediate Succession is for the Peace of the Kingdom, and what Miseries it prevents, I shall, as briefly and as pertinently as I can, set down.

DAVID, Brother to K. WILLIAM, had three Daughters; MARGARET marry'd to ALLAN Lord of *Galloway*, ISABEL marry'd to ROBERT BRUCE Lord of *Annandale* and *Cleveland*, ADA marry'd to HENRY HASTINGS Earl of *Huntingdon*. Now ALLAN begot on his Wife DORNADILLA, marry'd to JOHN BALIOL afterwards King of *Scotland*, and two other Daughters. BRUCE on his Wife got ROBERT BRUCE Earl of *Carick*, having marry'd the Heretrix thereof. As for HUNTINGDON he desisted his claim. The question is, whether BALIOL in right of the eldest Daughter, or BRUCE being come of the second (but a Man) should have the Crown, he being in the same degree, and of the more worthy Sex. The Controversy being tost up and down, at last was refer'd to EDWARD, the first of that name, King of *England*. He thinking to fish in these troubled Waters, stirs up eight other Competitors, the more to entangle the Business, and with twenty four Counsellors, half *English*, half *Scots*, and abundance of Lawyers fit enough to perplex the Matter, so handled the Business, after cunning delays, that at length he secretly tampers with BRUCE (who was then conceiv'd to have the better right of the Business) that if he would acknowledge the Crown of him, he would adjudge it for him; but he generously answering, that he valu'd a Crown at a less rate, than for it to put his Country under a foreign Yoke: He made the same Motion to BALIOL, who accepted it; and so we have a King again, by what Right we all see; but it is good reason to think that Kings, come they by their Power never so unjustly, may justly keep it.

BALIOL having thus got a Crown, as unhappily kept it; for no sooner was he crown'd, and had done Homage to EDWARD, but the ABERNETHYS having slain MACDUF Earl of *Fife*, he not only pardon'd them, but gave them a piece of Land in controversy: whereupon MACDUF's Brother complains against him to EDWARD, who makes him rise from his Seat in Parliament, and go to the Bar: He hereupon enrag'd, denies EDWARD assistance against the *French*, and renounces his Homage. EDWARD immediately comes to *Berwic*, takes and kills seven thousand, most of the Nobility of *Fife* and *Lowthian*, and afterwards gave them a great Defeat at *Dunbar*, whose Castle instantly surrender'd. After this he march'd to *Montrose*, where BALIOL resign'd himself and Crown, all the Nobility giving Homage to EDWARD. BALIOL is sent Prisoner to *London*, and from thence, after a Year's detention, into *France*. While EDWARD was possessor of all *Scotland*, one WILLIAM WALLACE arose, who being a private Man bestir'd himself in the Calamity of his Country, and gave the *English* several notable foils. EDWARD coming again with an Army, beat him that was already overcome with Envy and Emulation as well as Power; upon which he laid by his Command, and never acted more, but only in slight Incurfions. But the *English* being beaten at *Roslin*, EDWARD comes in again, takes *Sterling*, and makes them all render Homage; but at length BRUCE seeing all his Promises nothing but Smoke, enters into League with CUMMIN to get the Kingdom: but being betray'd by him to EDWARD, he stab'd CUMMIN

96.

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97. at *Drumfreis*, and made himself King. This Man, tho' he came with disadvantage, yet wanted neither Patience, Courage, nor Conduct; so that after he had miserably lurk'd in the Mountains, he came down, and gathering together some Force, gave our EDWARD the Second such a Defeat near *Sterling*, as *Scotland* never gave the like to our Nation: and continu'd the War with various fortune with the Third, till at last Age and Leprosy brought him to his Grave. His Son DAVID, a Boy of eight Years, inherited that which he with so much danger obtain'd, and wisdom kept. In his Minority he was govern'd by THOMAS RANDOLF Earl of *Murray*, whose severity in punishing was no less dreaded than his Valour had been honoured. But he soon after dying of Poison; and EDWARD BALIOL, Son of JOHN, coming with a Fleet, and strengthen'd with the Assistance of the *English*, and some Robbers, the Governor the Earl of *Mar* was routed, so that BALIOL makes himself King, and DAVID was glad to retire into *France*. Amidst these Parties (EDWARD the Third backing BALIOL) was *Scotland* miserably torn, and the BRUCES in a manner extinguish'd, till ROBERT (after King) with them of *Argyle* and his own Family and Friends, began to renew the claim, and bring it into a War again; which was carried on by ANDREW MURRAY the Governor, and afterwards by himself: So that DAVID, after nine Years Banishment, durst return, where making frequent Incurfions, he at length in the fourth Year of his return march'd into *England*, and in the Bishoprick of *Durham* was routed, and fled to an obscure Bridge, shew'd to this Day by the Inhabitants. There he was by JOHN COPLAND taken Prisoner, where he continu'd nine Years, and in the thirty ninth Year of his Reign he dy'd.
98. ROBERT his Sister's Son, whom he had intended to put by, succeeds, and first brought the STUARTS (which at this Day are a Plague to the Nation) into play. This Man after he was King, whether it were Age or Sloth, did little; but his Lieutenants and the *English* were perpetually in action. He left his Kingdom to JOHN his Bastard Son by the Lady MORE his Concubine, whom he marry'd, either to legitimate the three Children (as the manner was then) he had by her, or else for old Acquaintance, his Wife and her Husband dying much about a time. This JOHN would be crown'd by the name of ROBERT (his own, they say, being unhappy for Kings) a wretched inactive Prince, lame, and only govern'd by his Brother WALTER, who having DAVID the Prince upon complaint of some Exorbitancies deliver'd to his care, caus'd him to be starv'd; upon which the King intending to send his Son JAMES into *France*, the Boy was taken at *Flamburg*, and kept by our HENRY the Fourth: upon the hearing of which his Father swooned, and soon after dy'd. His Reign was memorable for nothing but his breaking with GEORGE Earl of *March* (to whose Daughter, upon the payment of a great part of her Portion which he never would repay, he had promis'd his Son DAVID for a Husband) to take the Daughter of DOUGLAS who had a greater; which occasion'd the Earl of *March* to make many inrodes with our HENRY HOTSPUR; and a famous Duel of three hundred Men apiece, whereof on the one side ten remain'd, and on the other one, which was the only way to appease the deadly Feuds of these two Families. The Interreign was govern'd by ROBERT, who enjoying the Power he had too much coveted, little minded the
99. Liberty
- 100.
- 101.

Liberty of his Nephew, only he sent some Auxiliaries into *France*, who, they say, behav'd themselves worthily; and his slothful Son MORDAC, who making his Sons so bold with Indulgence, that one of them kill'd a Falcon on his fist, which he deny'd to give him: he in revenge procur'd the Parliament to ransom the King, who had been eighteen years a Prisoner. This JAMES was the first of that name; and tho' he was an excellent Prince, yet had a troublesome Reign; first, in regard of a great Pension rais'd for his Ransom; next, for domestic Commotions; and lastly, for raising of Money; which, tho' the Revenue was exhausted, was call'd Covetousness. This having offended ROBERT GRAHAM, he conspir'd with the Earl of *Atbol*, slew him in his Chamber, his Wife receiving two wounds, endeavouring to defend him.

102.

THIS JAMES left the Second, a Boy of six years, whose Infancy, by the misguidance of the Governor, made a miserable People; and betray'd the Earl DOUGLAS to death, and almost all that great Family to ruin; but being supplanted by another Earl of DOUGLAS, the King in his just age suffer'd Minority under him, who upon displeasure rebel'd, and was kill'd by the King's own hand. Afterwards having his middle years perpetually molested with civil Broils, yet going to assist the Duke of *York* against HENRY the Sixth, he was diverted by an *English* Gentleman that counterfeited himself a *Nuncio* (which I mention out of a Manuscript, because I do not remember it in our Stories) and broke up his Army. Soon after besieging *Roxburg*, he was slain by the bursting of a Cannon in the twenty ninth year of his Age.

103.

JAMES the Second left a Boy of seven Years, govern'd by his Mother, and afterwards by the BOYDS; thro' the persuasions of Astrologers and Witches, to whom he was strongly addicted, he declin'd to Cruelty; which so inrag'd the Nobility, that, headed by his Son, they conspired against him, routing his Forces near *Sterling*, where he flying to a Mill, and asking for a Confessor, a Priest came, who told him, that *tho' he was no good Priest, yet he was a good Leech*, and with that stab'd him to the heart. A Parliament approv'd his death, and order'd Indemnities to all that had fought against him.

104.

JAMES the Fourth, a Boy of fifteen Years, is made King, govern'd by the Murderers of his Father; a prodigal, vainglorious Prince, slain at *Floddon* Field, or, as some suppose, at *Kelso* by the HUMES, which (as the Manuscript alledges) seems more probable, in regard that the Iron Belt (to which he added a Ring every Year) which he wore in repentance for the death of his Father, was never found, and there were many, the day of Battle, habited like him. His Successor was his Son JAMES, the Fifth of that name, a Boy of not above two years of age; under whose Minority, what by the misgovernment of Tutors, and what by the Factions of the Nobility, *Scotland* was wasted almost into Famine and Solitude: however in his just Age he prov'd an industrious Prince, yet could not so satisfy the Nobility, but that he and they continued in a mutual heat, till that barbarous execution of young HAMILTON so fill'd him with Remorse, that he dream'd he came and cut off his two Arms and threaten'd after to cut off his Head. And he displeas'd the People so much, that he could not make his Army fight with the *English* then in *Scotland*; whereupon he dy'd of grief, having first heard the death of his two Sons, who dy'd at the instant

105.

106.

instant of his Dream, and leaving a Daughter of five days old, whom he never saw.

107.

THIS was that MARY under whose Minority (by the weakness of the Governor, and ambition of the Cardinal) the Kingdom felt all those Woes that are threaten'd to them whose King is a Child; till at length the prevalency of the *English* Arms (awak'd for her cause) brought the great design of sending her into *France* to perfection: So at five Years old she was transported, and at fifteen marry'd to the *Dolphin* FRANCIS, after King; while her Mother, a Daughter of the GUISE, in her Regency, exercis'd all Rage against the Professors of the pure Religion then in the dawn. FRANCIS after two Years left her a childless Widow; so that at eighteen she return'd into *Scotland* to succeed her Mother (then newly dead) in her Exorbitancies.

I HAD almost forgot to tell, that this young Couple in the transport of their nuptial Solemnities took the Arms and Title of *England*; which indiscreet Ambition we may suppose first quicken'd the jealousy of ELIZABETH against her, which after kindl'd so great a flame.

IN *Scotland* she shew'd what a strange influence loose Education has upon Youth, and the weaker Sex. All the *French* Effeminacies came over with her, and the Court lost that little Severity which was left. DAVID RIZIO, an *Italian* Fidler, was the only Favourite, and it is too much fear'd, had those enjoyments which no Woman can give but she that gives away her Honour and Chastity.

BUT a little after, HENRY Lord *Darnly* coming with MATTHEW Earl of *Lenox*, his Father, into *Scotland*, she cast an Eye upon him, and marry'd him. Whether it were to strengthen her pretension to *England*, he being come of HENRY the Seventh's Daughter; as we shall tell anon, or to colour her Adulteries, and hide the shame of an Impregnation (tho' some have whisper'd, that she never conceiv'd, and that the Son was suppositious) or some Phrenzy of Affection drew her that way; certain it is she soon declin'd her Affection to her Husband, and increas'd it to DAVID (he being her perpetual Companion at board, and managing all Affairs, while the King with a contemptible Train was sent away) insomuch that some of the Nobility that could not digest this, enter'd a Conspiracy, which the King headed, and slew him in her Chamber.

THIS turn'd all her neglect of the King into rage, so that her chiefest business was to appease her Favourite's Ghost with the slaughter of her Husband; poison was first attempted, but it being (it seems) too weak, or his Youth overcoming it, that expectation fail'd. But the Devil and BOTHWELL furnish'd her with another that succeeded; she so entices him, being so sick that they were forc'd to bring him in a Horse-litter to *Edinburg*, where she cherish'd him extremely, till the credulous young Man began to lay a side suspicion, and to hope better: So she puts him into a ruinous house near the Palace, from whence no news can be had, brings in her own bed, and lies in the house with him; and at length when the design was ripe, causes him one Sunday night, with his Servant, to be strangl'd, thrown out of the Window, and the house to be blown up with Gunpowder, her own rich Bed having been before secretly convey'd away. This and other performances made her favour upon BOTHWELL, so hot, that she must marry him;

him; the only obstacle was, he had a Wife already; but she was compel'd to sue for a Divorce, which (so great Persons being concern'd) it was a wonder it should be granted so long as ten days. Well, she marries; but the more honest Nobility amaz'd at those Exorbitancies, assemble together, and with Arms in their Hands begin to expostulate. The new married Couple are forc'd to make back Southwards; where finding but slender Assistance, and the Queen foolishly coming from *Dunbar* to *Leith*, was glad at last to delay a Parly till her dear was escap'd; and then (clad in an old tatter'd coat) to yield herself a Prisoner.

BEING brought to *Edinburg*, and us'd rather with hate of her former Enormities, than Pity of her present Fortune, she received a Message, that she must either resign the Crown to her Son JAMES (that was born in the time of her Marriage with DARNLY) or else they would proceed to another Election, and was forc'd to obey. So the Child then in his Cradle was acknowledg'd JAMES the Sixth, better known afterwards by the Title of *Great Britain*.

108.

THE wretched Mother flying after into *England*, was entertain'd (tho' with a Guard) by Queen ELIZABETH; but after that being suborn'd by the Papists, and exasperated by the GUIZES, she enter'd into Plots and Machinations, so inconsistent with the Safety of *England*, that by an Act of Parliament she was condemned to death, which she receiv'd by a Hatchet at *Fotheringay* Castle.

THE Infancy of her Son was attended with those domestic Evils that accompany the Minority of Kings. In his Youth he took to Wife the Daughter of *Denmark* (a Woman I hear little of, saving the Character SALUST gives SEMPRONIA, that she could dance better than became a virtuous Woman) with whom he supposing the Earl GOWRY too much in League, caus'd him and his Brother to be slain at their own House whither he was invited; he giving out, that they had an intent to murder him; and that by Miracle and the Assistance of some Men (whom he had instructed for that purpose, and taught their tale) he escap'd. For this Deliverance (or to say better, Assassination) he blasphem'd God with a solemn Thanksgiving once a Year all the Remainder of his Life.

WELL had it been for us, if our Forefathers had laid hold of that happy opportunity of ELIZABETH's Death (in which the TEUTHORS took a period) to have perform'd that which, perhaps in due punishment, has cost us so much Blood and Sweat; and not have bow'd under the Sway of a Stranger, disdain'd by the most generous and wise at that time, and only supported by the Faction of some, and the Sloth of others; who brought but a slender Title, and (however the flattery of the times cry'd him up for a SOLOMON) weak Commendations for such an Advancement.

HIS Title stood thus, MARGARET, eldest Daughter to HENRY the Seventh, was marry'd to JAMES the Fourth, whose Son JAMES the Fifth had MARY the Mother of JAMES the Sixth. MARGARET after her first Husband's death, marries ARCHIBALD DOUGLAS Earl of *Angus*, who upon her begot MARGARET Wife of MATTHEW Earl of *Lenox*, and Mother of that HENRY DARNLY, whose tragical End we just now mention'd. Now upon this slender Title, and our internal Dissensions (for the *Cecilians* and *Essexians*, for several ends, made perpetual Applications) got

The Grounds and

JAMMY from a Revenue of 30000 *l.* to one of almost two Millions, tho' there were others that had as fair pretences (and what else can any of them make ?) the Statute of 25. *Edw.* 3. expressly excluding Foreigners from the Crown: and so the Children of CHARLES BRANDON by MARY the second Daughter, Dowager of *France*, being next to come in. And the Lady ARABELLA being sprung from a third Husband (the Lord STUART) of the said MARGARET, and by a Male Line, carry'd surely so formidable a pretension (it should seem) that even that Iniquity which was personally inherent to her, made her days very unhappy, and for most part captive, and her death ('tis thought) somewhat too early; so cruel are the Persecutions of cowardly Minds, even against the weakest and most unprotected Innocence.

AND indeed his Right to the Crown was so unsatisfactory even to the most judicious of those days, that TOBY MATTHEWS having suit about some Privileges which he claim'd to his Bishoprick (which was then *Durham*) wherein the King oppos'd him; and having one day stated the Case before some of his Friends, who seem'd to approve of it; yes, says he, I could wish he had but half so good a Title to the Crown. And 'tis known that some Speeches of Sir WALTER RAWLEY, too generous and English for the times, was that which brought him to Trial and Condemnation for a feign'd Crime; and afterwards so facilitated that barbarous Design of GUNDAMAR, to cut off his Head for a Crime, for which he was condemn'd fourteen Years before, and which by the Commissions he after receiv'd (according to the opinion of the then Lord Chancellor, and the greatest Lawyers) was in Law pardon'd.

THIS may appear besides our purpose; but we could not sever this Consideration, unless we would draw him with a half face, and leave as much in umbrage as we express. That which most solemniz'd his Person was, first the Consideration of his adhering to the Protestant Religion; whereas we are to consider that those slight Velitations he had with BELLARMIN and the *Romanists*, tended rather to make his own Authority more intrinsically intense and venerable, than to confute any thing they said: for he had before shak'd them off as to foreign Jurisdiction; and for matter of Popery, it appear'd in his latter time that he was no such enemy to it, both by his own compliances with the *Spanish* Ambassadors, the design of the *Spanish* Match (in which his Son was personally embark'd) and the slow Assurances sent to his Daughter, in whose safety and protection Protestantism was at that time so much concern'd.

FOR his Knowledge, he had some glancings and nibblings, which the Severity of the excellent BUCHANAN forc'd into him in his younger time, and after Conversation somewhat polish'd. But tho' I bear not so great a contempt to his other Works, as BEN JOHNSON did to his Poetry, yet if they among many others were going to the fire, they would not be one of the first I should rescue, as possibly expecting a more severe and refin'd Judgment in many others; and knowing that he that had so many able Wits at command, might easily give their Oracles thro' his Mouth. But suppose the things generous and fit to live (as I am not yet convinc'd) yet what commendation is this to a King, who should have other business than spinning and weaving fine Theories, and engaging in School Chiquaneries? which was well understood

Reasons of Monarchy.

31

derstood by HENRY the Fourth, who hearing some Men celebrate him with these Attributes; yes (answer'd he, very tartly) *He is a fine King, and writes little Books.*

'TIS true, he was a good Drol, and possibly after Greece Wine somewhat factious: But of his substantial and heroic Wisdom I have not heard any great Instances. He himself us'd to brag of his *Kingcraft*, which was not to render his People happy, and to prosecute the ends of a good King, but to scrue up the Prerogative, divert Parliaments from the due disquisition and prosecution of their Freedoms, and to break them up at pleasure; and indeed his parting with the Cautionary Towns of the *Low Countries*, and that for so small a Sum, shew'd him a Person not so quicksighted, or unfit to be over-reach'd.

FOR his peaceable Reign, honourable and just Quarrels he wanted not; but sloth and cowardice withheld him: and indeed the ease and luxury of those times fomented and nourish'd those lurking and pestilent humours, which afterwards so dangerously broke out in his Son's Reign.

WE shall not trouble his Ashes with the mention of his personal Faults; only, if we may compare God's Judgments with apparent Sins, we may find the latter end of his Life neither fortunate nor comfortable to him. His Wife distast'd by him, and some say, languishing of a foul Disease; his eldest Son dying with too violent symptoms of Poison, and that, as is fear'd, by a hand too much ally'd; his second (against whom he ever had a secret antipathy) scarce return'd from a mad and dangerous Voyage; his Daughter (all that was left of that Sex) banish'd, with her numerous Issue, out of her Husband's Dominion, and living in miserable Exile; and lastly, himself dying of a violent death by Poison, in which his Son was more than suspected to have a hand, as may be infer'd from BUCKINGHAM's Plea, that he did it by the Command of the Prince, and CHARLES's dissolution of the Parliament that took in hand to examine it; and lastly, his indifferency at *Buckingham's* death (tho' he pretended all love to him alive) as glad to be rid of so dangerous and so considerable a Partner of his Guilt. Yet the miter'd Parasites of those times could say, that one went to Heaven in *Noah's* Ark, the other in *Elisha's* Chariot, he dying of a pretended Fever, she (as they said) of a Dropsy.

CHARLES having now obtain'd his Brother's Inheritance, carry'd himself in managing of it like one that gain'd it as he did. The first of his Acts was that glorious attempt upon the Isle of *Rhee*. The next, that Noble and Christian betraying of *Rochel*, and consequently in a manner the whole Protestant Interest in *France*. The middle of the Reign was heightening of Prerogative and Prelacy, and conforming our Churches to the pattern of *Rome*; till at last just Indignation brought his Subjects of *Scotland* into *England*, and so forc'd him to call a Parliament: which tho' he shamelessly says in the first line of the Book, call'd his, was out of his *own inclination to Parliaments*, yet how well he lik'd them, may appear by his first tampering with his own Army in the North, to surprize and dissolve them; then with the *Scots*, who at that time were Court proof; then raising up the *Irish* Rebellion, which has wasted millions of Lives; and lastly, his open secession from *Westminster*, and hostility against the two Houses, which maintain'd a first and second sharp War, that had almost ruin'd the Nation, had not Providence in a manner immediately interpos'd and rescu'd

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relcu'd us to Liberty, and made us such signal Instruments of his Vengeance, that all wicked Kings may tremble at the example.

IN a word, never was man so resolute and obstinate in a Tyranny; never People more strangely besotted with it. To paint the Image of DAVID with his face, and blasphemously to parallel him with CHRIST, would make one at first thought think him a Saint: But to compare his Protestations and Actions; his Actions of the Day, his Actions of the Night; his Protestant Religion, and his courting of the Pope; and obedience to his Wife; we may justly say, he was one of the the most consummate in the Arts of Tyranny that ever was. And it could be no other than God's hand that arrested him in the height of his Designs and Greatness, and cut off him and his Family, making good his own Imprecations on his own Head.

OUR Scene is again in *Scotland*, which has accepted his Son, whom for distinction sake we will be content to call CHARLES the Second. Certainly these People were strangely blind as to God's Judgment perpetually pour'd out upon a Family; or else wonderfully addicted to their own Interest, to admit the spray of such a stock; one that has so little to commend him, and so great improbability to further their Designs and Happiness; a Popish Education, if not Religion too, however for the present he may seem to dissemble it; *France*, the Jesuits, and his Mother, good means of such an improvement; the dangerous Maxims of his Father, besides the Revenge he owes his Death, of which he will never totally acquit the *Scots*; his Hate to the whole Nation; his Sense of MONTROSE's Death; his backwardness to come to them till all other means fail'd (both his foreign beg'd Assistances, his Propositions to the Pope, and Commissions to MONTROSE) and lastly, his late running away to his old Friends in the North: so that any man may see his present compliance to be but histrionical and forc'd, and that as soon as he has led them into the Snare, and got power into his own hands, so as that he may appear once more barefac'd, he will be a scourge upon them for their gross Hypocrisy, and leave them a sad instance to all Nations, how dangerous it is to espouse such an Interest, against which God with so visible and severe a hand does fight, carry'd on by and for the support of a tyrannizing Nobility and Clergy, and wherein the poor People are blindly led on by those affrighting (but false and ungrounded) pretensions of Perfidy and Perjury, and made instrumental with their own Estates and Blood towards enslaving and ruining themselves.

THE
COMMON-WEALTH
OF
OCEANA.

To his HIGHNESS

The Lord Protector of the Common-wealth
of *England, Scotland, and Ireland.*

—*Quid rides? mutato nomine, de te*
Fabula narratur.— Horat.

The Introduction, or Order of the Work.

Pliny's Description of Oceana.

OCEANA is saluted by the Panegyrist after this manner; *O the most blest and fortunate of all Countries, OCEANA! How deservedly has Nature with the Bounties of Heaven and Earth indu'd thee? Thy ever-fruitful Womb not clos'd with Ice, nor dissolv'd by the raging Star: where CERES and BACCHUS are perpetual Twins. Thy Woods are not the Harbour of devouring Beasts, nor thy continual Verdure the ambush of Serpents, but the food of innumerable Herds and Flocks presenting thee their Shepherdess with distended Dugs, or golden Fleeces. The Wings of thy Night involve thee not in the horror of Darknes, but have still some white feather; and thy Day is (that for which we esteem Life) the longest. But this Extasy of PLINY (as is observ'd by BERTIUS) seems to allude as well to Marpesia and Panopea, now Provinces of this Common-wealth, as to Oceana it self.*

The Nature of the People.

*T*O speak of the People in each of these Countries, this of Oceana, for so soft a one, is the most martial in the whole World. *Let States that aim at Greatness (says VERULAMIUS) take heed how their Nobility and Gentlemen multiply too fast, for that makes the common Subject grow to be a Peasant and base Swain driven out of heart, and in effect but a Gentleman's Labourer; just as you may see in Coppice Woods, if you leave the Staddels too thick, you shall never have clean Underwood, but Shrubs and Bushes: So in Countries, if the Gentlemen be too many, the Commons will be base; and you will bring it to that at last, that not the hundredth Poll will be fit for a Helmet, specially as to the Infantry, which is the Nerve of an Army, and so there will be great Population and little Strength. This of which I speak has been nowhere better seen than by comparing of Oceana and France, whereof Oceana, tho' far less in Territory and Population, has been nevertheless an overmatch, in regard the middle People of Oceana make good Soldiers, which the Peasants in France do not. In which Words VERULAMIUS (as MACHIAVEL has done before him) harps much upon a string which he has not perfectly tun'd, and that is the balance of Dominion or Property: as it follows more plainly in his praise of the profound and admirable device of PANURGUS King of Oceana, in making Farms and Houses of Husbandry of a Standard; that is, maintain'd with such a Proportion of Land to them, as may breed a subject to live in convenient plenty, and no servile condition, and to keep the Plow in the Hand of the owners, and not mere hirelings. And thus indeed (says he) you shall attain to VIRGIL'S Character * which he gives of antient Italy.*

BUT the Tillage bringing up a good Soldiery, brings up a good Common-wealth; which the Author in the praise of PANURGUS did not mind, nor PANURGUS in deserving that praise: for where the owner of the Plow comes to have the Sword too, he will use it in defence of his own; whence it has happen'd that the People of Oceana in proportion to their property have been always free. And the Genius of

* Terra potens armis atque ubere gleba.

this Nation has ever had some resemblance with that of antient *Italy*, which was wholly addicted to Common-wealths, and where *Rome* came to make the greatest account of her rustic Tribes, and to call her Consuls from the Plow; for in the way of Parliaments, which was the Government of this Realm, Men of Country-lives have been still intrusted with the greatest Affairs, and the People have constantly had an aversion to the ways of the Court. Ambition loving to be gay and to fawn, has been a Gallantry look'd upon as having something in it of the Livery; and Husbandry, or the Country way of Life, tho' of a grosser spinning, as the best Stuff of a Common-wealth, according to *ARISTOTLE*, such a one being the most obstinate Assertress of her Liberty, and the least subject to Innovation or Turbulency. Wherefore till the Foundations (as will be hereafter shew'd) were remov'd, this People was observ'd to be the least subject to Shakings and Turbulency of any: Whereas Common-wealths, upon which the City Life has had the stronger influence, as *Athens*, have seldom or never been quiet; but at the best are found to have injur'd their own Business by over-doing it. Whence the Urban Tribes of *Rome*, consisting of the *Turba forensis*, and *Libertins* that had received their Freedom by manumission, were of no Reputation in comparison of the Rustics. It is true, that with *Venice* it may seem to be otherwise, in regard the Gentlemen (for so are all such call'd as have a Right to that Government) are wholly addicted to the City Life: but then the *Turba forensis*, the Secretaries, *Cittadini*, with the rest of the Populace, are wholly excluded. Otherwise a Common-wealth, consisting but of one City, would doubtless be stormy, in regard that Ambition would be every Man's Trade: but where it consists of a Country, the Plow in the Hands of the owner finds him a better Calling, and produces the most innocent and steddly Genius of a Common-wealth, such as is that of *Oceana*.

MARPESIA, being the Northern part of the same Island, is the dry Nurse of a populous and hardy Nation, but where the Stad-
dels have been formerly too thick: whence their Courage answer'd not
their Hardiness, except in the Nobility, who govern'd that Country
much after the manner of *Poland*; but that the King was not elective
till the People receiv'd their Liberty, the Yoke of the Nobility being
broke by the Common-wealth of *Oceana*, which in grateful return is
thereby provided with an inexhaustible Magazine of Auxiliaries.

*The Nature of
the Marpe-
sians.*

PANOPEA, the soft Mother of a slothful and pusillanimous People, is a neighbour Island, antiently subjected by the Arms of *Oceana*; since almost depopulated for shaking the Yoke, and at length replanted with a new Race. But (thro' what virtues of the Soil, or vice of the Air soever it be) they come still to degenerate. Wherefore seeing it is neither likely to yield Men fit for Arms, nor necessary it should; it had been the Interest of *Oceana* so to have dispos'd of this Province, being both rich in the nature of the Soil, and full of commodious Ports for Trade, that it might have been order'd for the best in relation to her Purse: which in my opinion (if it had been thought upon in time) might have been best done by planting it with *Jews*, allowing them their own Rites and Laws; for that would have brought them suddenly from all parts of the World, and in sufficient numbers. And tho' the *Jews* be now altogether for Merchandize, yet in the Land of *Canaan* (except since their exile from whence they have not been

*The Nature of
the Panopeans.*

Land-

The Introduction.

Landlords) they were altogether for Agriculture; and there is no cause why a Man should doubt, but having a fruitful Country, and excellent Ports too, they would be good at both. *Panopea* well peopled, would be worth a matter of four millions dry Rents; that is, besides the advantage of the Agriculture and Trade, which, with a Nation of that Industry, comes at least to as much more. Wherefore *Panopea* being farm'd out to the *Jews* and their Heirs for ever, for the pay of a provincial Army to protect them during the term of seven Years, and for two Millions annual Revenue from that time forward, besides the Customs which would pay the provincial Army, would have been a Bargain of such advantage both to them and this Commonwealth, as is not to be found otherwise by either. To receive the *Jews* after any other manner into a Commonwealth, were to maim it: for they of all Nations never incorporate, but taking up the room of a Limb, are of no use or office to the Body, while they suck the Nourishment which would sustain a natural and useful Member.

The Situation
of the Com-
mon-wealth of
Oceana.

IF *Panopea* had been so dispos'd of, that Knapfack, with the *Marpesian* Auxiliary, had been an inestimable Treasure; the Situation of these Countries being Islands (as appears by *Venice* how advantageous such a one is to the like Government) seems to have been design'd by God for a Commonwealth. And yet that, thro' the streightness of the place and defect of proper Arms, can be no more than a Commonwealth for Preservation: whereas this, reduc'd to the like Government, is a Commonwealth for increase, and upon the mightiest foundation that any has been laid from the beginning of the World to this Day.

*Illam arctâ capiens Neptunus compede stringit:
Hanc autem glaucis captus complectitur ulnis.*

THE Sea gives law to the growth of *Venice*, but the growth of *Oceana* gives law to the Sea.

THESE Countries having been antiently distinct and hostile Kingdoms, came by MORPHEUS the *Marpesian* (who succeeded by hereditary right to the Crown of *Oceana*) not only to be join'd under one head; but to be cast, as it were by a Charm, into that profound sleep, which, broken at length by the Trumpet of Civil War, has produc'd those effects, that have given occasion to the ensuing Discourse, divided into four parts.

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1. *The Preliminaries, shewing the Principles of Government.*
 2. *The Council of Legislators, shewing the Art of making a Common-wealth.*
 3. *The Model of the Common-wealth of Oceana, shewing the effect of such an Art.*
 4. *The Corollary, shewing some Consequences of such a Government.*
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The Preliminaries, shewing the Principles of Government.

FANOTTI, the most excellent Describer of the Common-wealth of *Venice*, divides the whole Series of Government into two Times or Periods. The one ending with the Liberty of *Rome*, which was the Course or Empire, as I may call it, of Antient Prudence, first discover'd to mankind by God himself in the Fabric of the Commonwealth of *Israel*, and afterwards pick'd out of his Footsteps in Nature, and unanimously follow'd by the *Greeks* and *Romans*. The other beginning with the Arms of CÆSAR, which, extinguishing Liberty, were the Transition of Antient into Modern Prudence, introduc'd by those Inundations of *Huns*, *Goths*, *Vandals*, *Lombards*, *Saxons*, which, breaking the *Roman* Empire, deform'd the whole face of the World with those ill features of Government, which at this time are become far worse in these western parts, except *Venice*, which escaping the hands of the *Barbarians*, by virtue of its impregnable Situation, has had its Eye fix'd upon antient Prudence, and is attain'd to a perfection even beyond the Copy.

RELATION being had to these two times, Government (to define it *de jure*, or according to antient Prudence) is an Art whereby a Civil Society of Men is instituted and preserv'd upon the Foundation of common Right or Interest; or (to follow ARISTOTLE and LIVY) It is the Empire of Laws, and not of Men. *Definitions of Government.*

AND Government (to define it *de facto*, or according to modern Prudence) is an Art whereby some man, or some few men, subject a City or a Nation, and rule it according to his or their private Interest: which, because the Laws in such cases are made according to the interest of a man, or of some few Families, may be said to be the Empire of Men, and not of Laws.

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Division of Government.

THE former kind is that which MACHIAVEL (whose Books are neglected) is the only Politician that has gone about to retrieve; and that LEVIATHAN (who would have his Book impos'd upon the Universities) goes about to destroy. For, *It is* (says he) *another Error of ARISTOTLE'S Politics, that in a well-order'd Common-wealth not Men should govern, but the Laws. What man that has his natural senses, tho' he can neither write nor read, does not find himself govern'd by them he fears and believes can kill or hurt him when he obeys not? Or, who believes that the Law can hurt him, which is but Words and Paper, without the Hands and Swords of men?* I confess, that * the Magistrate upon his Bench is that to the Law, which a Gunner upon his Platform is to his Cannon. Nevertheless, I should not dare to argue with a man of any Ingenuity after this manner. A whole Army, tho' they can neither write nor read, are not afraid of a Platform, which they know is but Earth or Stone; nor of a Cannon, which without a hand to give fire to it, is but cold Iron; therefore a whole Army is afraid of one Man. But of this kind is the Ratiocination of LEVIATHAN (as I shall shew in divers places that come in my way) throughout his whole Politics, or worse; as where he says of ARISTOTLE and of CICERO, of the Greeks, and of the Romans, *who liv'd under popular States, that they deriv'd those Rights not from the Principles of Nature, but transcrib'd them into their Books, out of the practice of their own Commonwealths, as Grammarians describe the Rules of Language out of Poets.* Which is as if a man should tell famous HERVY, that he transcrib'd his Circulation of the Blood not out of the Principles of Nature, but out of the Anatomy of this or that Body.

TO go on therefore with this Preliminary Discourse, I shall divide it (according to the two definitions of Government relating to JANOTTI's two times) into two parts. The first treating of the Principles of Government in general, and according to the Antients: The Second treating of the late Governments of *Oceana* in particular, and in that of modern Prudence.

GOVERNMENT, according to the Antients, and their learn'd Disciple MACHIAVEL, the only Politician of later Ages, is of three kinds; The Government of One Man, or of the better sort, or of the whole People: which by their more learn'd names are call'd *Monarchy*, *Aristocracy*, and *Democracy*. these they hold, thro' their proneness to degenerate, to be all evil. For whereas they that govern should govern according to Reason, if they govern according to Passion, they do that which they should not do. Wherefore as Reason and Passion are two things, so Government by Reason is one thing, and the corruption of Government by Passion is another thing, but not always another Government: as a Body that is alive is one thing, and a Body that is dead is another thing, but not always another Creature, tho' the Corruption of one comes at length to be the Generation of another. The Corruption then of *Monarchy* is call'd *Tyranny*; that of *Aristocracy*, *Oligarchy*; and that of *Democracy*, *Anarchy*. But Legislators having found these three Governments at the best to be naught, have invented another consisting of a mixture of them all, which only is good. This is the Doctrine of the Antients.

* Magistratus est lex armata.

BUT LEVIATHAN is positive, that they are all deceiv'd, and that there is no other Government in Nature than one of the three; as also that the Flesh of them cannot stink, the names of their Corruptions being but the names of Men's Phanfies, which will be understood when we are shewn which of them was *Senatus Populusque Romanus*.

TO go my own way, and yet to follow the Antients, the Principles of Government are twofold; Internal, or the goods of the Mind; and External, or the goods of Fortune. The goods of the Mind are natural or acquir'd Virtues, as Wisdom, Prudence, and Courage, &c. Goods of the Mind and of Fortune. The goods of Fortune are Riches. There be goods also of the Body, as Health, Beauty, Strength; but these are not to be brought into account, upon this score, because if a Man or an Army acquires Victory or Empire, it is more from their Discipline, Arms, and Courage, than from their natural Health, Beauty, or Strength, in regard that a People conquer'd may have more of natural Strength, Beauty and Health, and yet find little remedy. The Principles of Government then are in the goods of the Mind, or in the goods of Fortune. To the goods of the Mind answers Authority; to the goods of Fortune, Power or Empire. Empire and Authority. Wherefore LEVIATHAN, tho' he be right where he says that *Riches are Power*, is mistaken where he says that *Prudence, or the reputation of Prudence, is Power*: for the Learning or Prudence of a Man is no more Power than the Learning or Prudence of a Book or Author, which is properly Authority. A learned Writer may have Authority tho' he has no Power; and a foolish Magistrate may have Power, tho' he has otherwise no Esteem or Authority. The difference of these two is observ'd by LIVY in EVANDER, of whom he says, * that he govern'd rather by the Authority of others, than by his own Power.

TO begin with Riches, in regard that Men are hung upon these, Empire. not of choice as upon the other, but of necessity and by the Teeth: for as much as he who wants Bread is his Servant that will feed him; if a Man thus feeds a whole People, they are under his Empire.

EMPIRE is of two kinds, Domestic and National, or Foreign Division of Empire. and Provincial.

DOMESTIC Empire is founded upon Dominion. Domestic Empire.

DOMINION is Property real or personal, that is to say, in Lands, or in Money and Goods. Dominion.

LANDS, or the parts and parcels of a Territory, are held by the Proprietor or Proprietors, Lord or Lords of it, in some proportion; and such (except it be in a City that has little or no Land, and whose Revenue is in Trade) as is the proportion or balance of Dominion or Property in Land, such is the nature of the Empire. Balance in Lands.

IF one Man be sole Landlord of a Territory, or over-balance the People, for example three parts in four, he is Grand Signior: Absolute Monarchy. for so the *Turk* is call'd from his Property; and his Empire is absolute Monarchy.

IF the Few or a Nobility, or a Nobility with the Clergy be Landlords, or over-balance the People to the like proportion, it makes the *Gothic* balance (to be shewn at large in the second part of this Discourse) and the Empire is mix'd Monarchy, as that of *Spain, Poland,* and late of *Oceana*. Mix'd Monarchy.

* Regebat magis Autoritate quam Imperio.

Popular Government.

Tyranny.
Oligarchy.
Anarchy.

AND if the whole People be Landlords, or hold the Lands so divided among them, that no one Man, or number of Men, within the compass of the *Few* or *Aristocracy*, over-balance them, the Empire (without the interposition of Force) is a Common-wealth.

IF Force be interpos'd in any of these three cases, it must either frame the Government to the Foundation, or the Foundation to the Government; or holding the Government not according to the balance, it is not natural, but violent: and therefore if it be at the devotion of a Prince, it is *Tyranny*; if at the devotion of the Few, *Oligarchy*; or if in the power of the People, *Anarchy*. Each of which Confusions, the balance standing otherwise, is but of short continuance, because against the nature of the balance, which, not destroy'd, destroys that which opposes it.

BUT there be certain other Confusions, which, being rooted in the balance, are of longer continuance, and of worse consequence; as first, where a Nobility holds half the Property, or about that proportion, and the People the other half; in which case, without altering the balance, there is no remedy but the one must eat out the other: as the People did the Nobility in *Athens*, and the Nobility the People in *Rome*. Secondly, when a Prince holds about half the Dominion, and the People the other half (which was the case of the *Roman* Emperors, planted partly upon their military Colonies, and partly upon the Senate and the People) the Government becomes a very shambles both of the Princes and the People. Somewhat of this nature are certain Governments at this day, which are said to subsist by confusion. In this case, to fix the balance, is to entail misery: but in the three former, not to fix it, is to lose the Government. Wherefore it being unlawful in *Turky*, that any should possess Land but the Grand Signior, the balance is fix'd by the Law, and that Empire firm. Nor, tho' the Kings often fell, was the Throne of *Oceana* known to shake, until the Statute of *Alienations* broke the Pillars, by giving way to the Nobility to sell their Estates. * While *Lacedemon* held to the division of Land made by *LYCURGUS*, it was immoveable, but, breaking that, could stand no longer. This kind of Law fixing the balance in Lands is call'd *Agrarian*, and was first introduc'd by God himself, who divided the Land of *Canaan* to his People by Lots, and is of such virtue, that wherever it has held, that Government has not alter'd, except by consent; as in that unparallel'd example of the People of *Israel*, when being in liberty they would needs choose a King. But without an *Agrarian*, Government, whether Monarchical, Aristocratical, or Popular, has no long Lease.

AS for Dominion personal or in Money, it may now and then stir up a *MELIUS* or a *MANLIUS*, which, if the Common-wealth be not provided with some kind of *Dictatorian* Power, may be dangerous, tho' it has been seldom or never successful: because to Property producing Empire, it is requir'd that it should have some certain root or foothold, which, except in Land, it cannot have, being otherwise as it were upon the Wing.

Balance in Money.

NEVERTHELESS, in such Cities as subsist mostly by Trade, and have little or no Land, as *Holland* and *Genoa*, the balance of Treasure may be equal to that of Land in the cases mention'd.

* Si terra recedat, Ionium Ægæo frangat mare.

BUT

BUT LEVIATHAN, tho' he seems to scow at Antiquity, following his furious Master CARNEADES, has caught hold of the public Sword, to which he reduces all manner and matter of Government; as, where he affirms this opinion [*that any Monarch receives his Power by Covenant, that is to say, upon conditions*] to proceed from the not understanding this easy truth, *That Covenants being but Words and Breath, have no power to oblige, contain, constrain, or protect any Man, but what they have from the public Sword.* But as he said of the Law, that without this Sword it is but Paper; so he might have thought of this Sword, that without a Hand it is but cold Iron. The Hand which holds this Sword is the Militia of a Nation; and the Militia of a Nation is either an Army in the field, or ready for the field upon occasion. But an Army is a Beast that has a great Belly, and must be fed; wherefore this will come to what Pastures you have, and what Pastures you have will come to the balance of Property, without which the public Sword is but a name or mere spit-frog. Wherefore to set that which LEVIATHAN says of Arms and of Contracts a little straighter; he that can graze this Beast with the great belly, as the *Turk* does his *Timariots*, may well deride him that imagines he receiv'd his Power by Covenant, or is oblig'd to any such toy: it being in this case only that Covenants are but Words and Breath. But if the Property of the Nobility, stock'd with their Tenants and Retainers, be the pasture of that Beast, the Ox knows his Master's Crib; and it is impossible for a King in such a Constitution to reign otherwise than by Covenant; or if he breaks it, it is words that come to blows.

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Arms and Contracts.

BUT says he, *when an Assembly of Men is made Sovereign, then no Man imagines any such Covenant to have past in the Institution.* But what was that by PUBLICOLA of appeal to the People, or that whereby the People had their Tribunes? *Fy*, says he, *no body is so dull as to say, that the People of Rome made a Covenant with the Romans, to hold the Sovereignty on such or such conditions; which not perform'd, the Romans might depose the Roman People.* In which there be several remarkable thinks; for he holds the Common-wealth of *Rome* to have consisted of one Assembly, whereas it consisted of the Senate and the People; that they were not upon Covenant, whereas every Law enacted by them was a Covenant between them; That the one Assembly was made Sovereign, whereas the People who only were Sovereign, were such from the beginning, as appears by the antient stile of their Covenants or Laws, * *The Senate has resolv'd, the People have decreed;* That a Council being made Sovereign, cannot be made such upon conditions, whereas the *Decemvirs* being a Council that was made Sovereign, was made such upon conditions; That all Conditions or Covenants making a Sovereign, the Sovereign being made, are void; whence it must follow that, the *Decemviri* being made, were ever after the lawful Government of *Rome*, and that it was unlawful for the Common-wealth of *Rome* to depose the *Decemvirs*; as also that CICEERO, if he wrote otherwise out of his Common-wealth, did not write out of Nature. But to come to others that see more of this balance,

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YOU have ARISTOTLE full of it in divers places, especially where he says, that *immoderate Wealth, as where one Man or the few have greater Possessions than the Equality or the Frame of the Commonwealth* B. 5. 3. 3. 9.

* Censuere patres, jussit populus.

will bear, is an occasion of Sedition, which ends for the greater part in Monarchy; and that for this cause the Ostracism has been receiv'd in divers places, as in Argos and Athens. But that it were better to prevent the growth in the beginning, than, when it has got head, to seek the remedy of such an evil.

D. B. 1. c. 55.

MACHIAVEL has mis'd it very narrowly and more dangerously; for not fully perceiving that if a Common-wealth be gall'd by the Gentry, it is by their over-balance, he speaks of the Gentry as hostile to popular Governments, and of popular Governments as hostile to the Gentry; and makes us believe that the People in such are so enrag'd against them, that where they meet a Gentleman they kill him: which can never be prov'd by any one example, unless in civil War; seeing that even in *Switzerland* the Gentry are not only safe, but in honour. But the Balance, as I have laid it down, tho' unseen by MACHIAVEL, is that which interprets him, and that which he confirms by his Judgment in many others as well as in this place, where he concludes, *That he who will go about to make a Common-wealth where there be many Gentlemen, unless he first destroys them, undertakes an Impossibility. And that he who goes about to introduce Monarchy where the condition of the People is equal, shall never bring it to pass, unless he cull out such of them as are the most turbulent and ambitious, and make them Gentlemen or Noblemen, not in name but in effect; that is, by enriching them with Lands, Castles, and Treasures, that may gain them Power among the rest, and bring in the rest to dependance upon themselves, to the end that they maintaining their Ambition by the Prince, the Prince may maintain his Power by them.*

WHEREFORE as in this place I agree with MACHIAVEL, that a Nobility or Gentry, over-balancing a popular Government, is the utter bane and destruction of it; so I shall shew in another, that a Nobility or Gentry, in a popular Government not over-balancing it, is the very life and soul of it.

The right of the Militia stated.

BY what has been said, it should seem that we may lay aside further disputes of the public Sword, or of the right of the Militia; which, be the Government what it will, or let it change how it can, is inseparable from the over-balance in Dominion: nor, if otherwise stated by the Law or Custom (as in the Common-wealth of *Rome*, * where the People having the Sword, the Nobility came to have the over-balance) avails it to any other end than destruction. For as a Building swaying from the Foundation must fall, so it fares with the Law swaying from Reason, and the Militia from the balance of Dominion. And thus much for the balance of National or Domestic Empire, which is in Dominion.

The Balance of foreign Empire.

THE balance of Foreign or Provincial Empire is of a contrary nature. A man may as well say, that it is unlawful for him who has made a fair and honest purchase to have Tenants, as for a Government that has made a just progress, and enlargement of itself, to have Provinces. But how a Province may be justly acquir'd, appertains to another place. In this I am to shew no more than how or upon what kind of balance it is to be held; in order whereto I shall first shew upon what kind of balance it is not to be held. It has been said, that national or independant Empire, of what kind soever, is to be exercis'd

* Consules sine lege Curiata rem militarem attingere non potuerunt

by them that have the proper balance of Dominion in the Nation; wherefore provincial or dependant Empire is not to be exercis'd by them that have the balance of Dominion in the Province, because that would bring the Government from Provincial and Dependant, to National and Independant. Absolute Monarchy, as that of the *Turks*, neither plants its People at home nor abroad, otherwise than as Tenants for life or at will; wherefore its National and Provincial Government is all one. But in Governments that admit the Citizen or Subject to Dominion in Lands, the richest are they that share most of the Power at home; whereas the richest among the Provincials, tho' native Subjects, or Citizens that have been transplanted, are least admitted to the Government abroad: for Men, like Flowers or Roots being transplanted, take after the Soil wherein they grow. Wherefore the Commonwealth of *Rome*, by planting Colonies of its Citizens within the bounds of *Italy*, took the best way of propagating it self, and naturalizing the Country; whereas if it had planted such Colonies without the bounds of *Italy*, it would have alienated the Citizens, and given a root to Liberty abroad that might have sprung up foreign, or savage, and hostile to her: wherefore it never made any such dispersion of it self and its strength, till it was under the yoke of the Emperors; who disburdening themselves of the People, as having less apprehension of what they could do abroad than at home, took a contrary course.

THE *Mamelucs* (which till any Man shew me the contrary, I shall presume to have been a Commonwealth consisting of an Army, whereof the common Soldier was the People, the Commission Officer the Senate and the General the Prince) were Foreigners, and by Nation *Circassians*, that govern'd *Ægypt*; wherefore these never durst plant themselves upon Dominion, which growing naturally up into the National Interest, must have dissolv'd the foreign yoke in that Province.

THE like in some sort may be said of *Venice*, the Government whereof is usually mistaken: for *Venice*, tho' it does not take in the People, never excluded them. This Commonwealth, the Orders whereof are the most Democratical or Popular of all others, in regard of the exquisite Rotation of the Senate, at the first institution took in the whole People; they that now live under the Government without participation of it, are such as have since either voluntarily chosen so to do, or were subdu'd by Arms. Wherefore the Subject of *Venice* is govern'd by Provinces; and the balance of Dominion not standing, as has been said, with Provincial Government: As the *Mamelucs* durst not cast their Government upon this balance in their Provinces, lest the National Interest should have rooted out the Foreign; so neither dare the *Venetians* take in their Subjects upon this balance, lest the foreign Interest should root out the National (which is that of the 3000 now governing) and by diffusing the Commonwealth throughout her Territories, lose the advantage of her Situation, by which in great part it subsists. And such also is the Government of the *Spaniard* in the *Indies*, to which he deposes Natives of his own Country, not admitting the *Creolios* to the Government of those Provinces, tho' descended from *Spaniards*.

BUT if a Prince or a Commonwealth may hold a Territory that is foreign in this, it may be ask'd, why he may not hold one that is native in the like manner? To which I answer, because he can hold a foreign by a native Territory, but not a native by a foreign: and as hitherto I have shewn what is not the provincial Balance, so by this answer it
may

may appear what it is, namely the over-balance of a native Territory to a foreign; for as one Country balances it self by the distribution of Property according to the proportion of the same, so one Country over-balances another by advantage of divers kinds. For example, the Common-wealth of *Rome* over-balance'd her Provinces by the vigour of a more excellent Government oppos'd to a crazier, or by a more exquisite Militia oppos'd to one inferior in Courage or Discipline. The like was that of the *Mamalucs*, being a hardy People, to the *Ægyptians* that were a soft one. And the balance of Situation is in this kind of wonderful effect; seeing the King of *Denmark*, being none of the most potent Princes, is able at the *Sound* to take Toll of the greatest: and as this King by the advantage of the Land can make the Sea tributary; so *Venice*, by the advantage of the Sea, in whose arms she is impregnable, can make the Land to feed her *Gulf*. For the Colonies in the *Indies*, they are yet Babes that cannot live without sucking the Breasts of their Mother Cities, but such as I mistake if when they come of age they do not wean themselves: which causes me to wonder at Princes that delight to be exhausted in that way. And so much for the principles of Power, whether National or Provincial, Domestic or Foreign; being such as are external, and founded in the goods of Fortune.

Authority.

Ecclef. 10. 15.

Tacit.

Grot.

I COME to the principles of Authority, which are internal, and founded upon the goods of the Mind. These the Legislator that can unite in his Government with those of Fortune, comes nearest to the work of God, whose Government consists of Heaven and Earth: which was said by PLATO, tho' in different words, as, when Princes should be Philosophers, or Philosophers Princes, the World would be happy. And says SOLOMON, *There is an evil which I have seen under the Sun, which proceeds from the Ruler (enimvero neque nobilem, neque ingenuum, nec libertinum quidem armis præponere, regia utilitas est) Folly is set in great dignity, and the Rich (either in Virtue and Wisdom, in the goods of the Mind, or those of Fortune upon that balance which gives them a sense of the National Interest) sit in low places. I have seen Servants upon horses, and Princes walking as Servants upon the earth.* Sad complaints, that the principles of Power and of Authority, the goods of the Mind and of Fortune, do not meet and twine in the Wreath or Crown of Empire! Wherefore, if we have any thing of Piety or of Prudence, let us raise our selves out of the mire of private Interest to the contemplation of Virtue, and put a hand to the removal of *this evil from under the Sun*; this evil against which no Government that is not secur'd, can be good; this evil from which the Government that is secure must be perfect. SOLOMON tells us, that the cause of it is from the Ruler, from those principles of power, which balance'd upon earthly trash, exclude the heavenly treasures of Virtue, and that influence of it upon Government, which is Authority. We have wander'd the Earth to find out the balance of power: but to find out that of Authority, we must ascend, as I said, nearer Heaven, or to the Image of God, which is the Soul of Man.

THE *Soul of Man* (whose life or motion is perpetual Contemplation or Thought) is the Mistress of two potent Rivals, the one Reason, the other Passion, that are in continual suit; and, according as she gives up her will to these or either of them, is the felicity or misery which Man partakes in this mortal life.

FOR

FOR as whatever was Passion in the contemplation of a man, being brought forth by his will into action, is Vice and the bondage of Sin; so whatever was Reason in the contemplation of a man, being brought forth by his will into action, is virtue and the freedom of Soul.

AGAIN, as those actions of a man that were Sin acquire to himself Repentance or Shame, and affect others with Scorn or Pity; so those actions of a man that are Virtue acquire to himself Honour, and upon others Authority.

NOW Government is no other than the Soul of a Nation or City: wherefore that which was Reason in the debate of a Common-wealth being brought forth by the result, must be Virtue; and for as much as the Soul of a City or Nation is the Sovereign Power, her Virtue must be Law. But the Government whose Law is Virtue, and whose Virtue is Law, is the same whose Empire is Authority, and whose Authority is Empire.

AGAIN, If the Liberty of a man consists in the Empire of his Reason, the absence whereof would betray him to the bondage of his Passions; then the Liberty of a Common-wealth consists in the Empire of her Laws, the absence whereof would betray her to the Lust of Tyrants. And these I conceive to be the Principles upon which ARISTOTLE and LIVY (injuriously accus'd by LEVIATHAN for not writing out of nature) have grounded their Assertion, *That a Common-wealth is an Empire of Laws, and not of Men.* But they must not carry it so. For, says he, *the Liberty, whereof there is so frequent and honourable mention in the History and Philosophy of the antient Greeks and Romans, and the Writings and Discourses of those that from them have receiv'd all their learning in the Politics, is not the Liberty of particular Men, but the Liberty of the Common-wealth.* He might as well have said, that the Estates of particular Men in a Common-wealth are not the Riches of particular Men, but the Riches of the Common-wealth; for equality of Estates causes equality of Power, and equality of Power is the Liberty not only of the Common-wealth, but of every Man. But sure a Man would never be thus irreverent with the greatest Authors, and positive against all Antiquity, without some certain demonstration of Truth: and, what is it? Why, *there is written on the Towers of the City of Lucca in great Characters at this day the word LIBERTAS; yet no Man can thence infer, that a particular Man has more Liberty or Immunity from the Service of the Common-wealth there than in Constantinople. Whether a Common-wealth be Monarchical or Popular, the Freedom is the same.* The Mountain has brought forth, and we have a little Equivocation! For to say, that a *Lucchese* has no more Liberty or Immunity from the Laws of *Lucca*, than a *Turk* has from those of *Constantinople*, and to say that a *Lucchese* has no more Liberty or Immunity by the Laws of *Lucca*, than a *Turk* has by those of *Constantinople*, are pretty different Speeches. The first may be said of all Governments alike; the second scarce of any two; much less of these, seeing it is known, that whereas the greatest *Basha* is a Tenant, as well of his Head as of his Estate, at the Will of his Lord, the meanest *Lucchese* that has Land, is a Freeholder of both, and not to be control'd but by the Law, and that fram'd by every private Man to no other end (or they may thank themselves) than to protect the Liberty of every private Man, which by that means comes to be the Liberty of the Common-wealth.

Pag. 110.

N

BUT

BUT seeing they that make the Laws in Common-wealths are but Men, the main Question seems to be, how a Common-wealth comes to be an Empire of Laws, and not of Men? or how the Debate or Result of a Common-wealth is so sure to be according to Reason; seeing they who debate, and they who resolve, be but Men? *And as often as Reason is against a Man, so often will a Man be against Reason.*

Hobs.

THIS is thought to be a shrewd saying, but will do no harm; for be it so that Reason is nothing but Interest, there be divers Interests, and so divers Reasons.

AS first, there is private Reason, which is the Interest of a private Man.

SECONDLY, There is Reason of State, which is the Interest (or Error, as was said by SOLOMON) of the Ruler or Rulers, that is to say, of the Prince, of the Nobility, or of the People.

THIRDLY, There is that Reason, which is the Interest of Mankind, or of the whole. *Now if we see even in those natural Agents that want sense, that as in themselves they have a Law which directs them in the means whereby they tend to their own perfection, so likewise that another Law there is, which touches them as they are sociable parts united into one Body, a Law which binds them each to serve to others good, and all to prefer the good of the whole, before whatsoever their own particular; as when stones, or heavy things forsake their ordinary want or center, and fly upwards, as if they heard themselves commanded to let go the good they privately wish, and to relieve the present distress of Nature in common. There is a common Right, Law of Nature, or Interest of the whole; which is more excellent, and so acknowledg'd to be by the Agents themselves, than the Right or Interest of the Parts only. Wherefore tho' it may be truly said that the Creatures are naturally carry'd forth to their proper utility or profit, that ought not to be taken in too general a sense; seeing divers of them abstain from their own profit, either in regard of those of the same kind, or at least of their young.*

Hooker. B. 1.

Grot.

MAN K I N D then must either be less just than the Creature, or acknowledge also his common Interest to be common Right. And if Reason be nothing else but Interest, and the Interest of Mankind be the right Interest, then the Reason of Mankind must be right Reason. Now compute well; for if the Interest of popular Government come the nearest to the Interest of Mankind, then the Reason of popular Government must come the nearest to right Reason.

BUT it may be said, that the difficulty remains yet; for be the Interest of popular Government right Reason, a Man does not look upon Reason as it is right or wrong in it self, but as it makes for him or against him. Wherefore unless you can shew such Orders of a Government, as, like those of God in Nature, shall be able to constrain this or that Creature to shake off that Inclination which is more peculiar to it, and take up that which regards the common Good or Interest; all this is to no more end, than to persuade every man in a popular Government not to carve himself of that which he desires most, but to be mannerly at the public Table, and give the best from himself to Decency and the common Interest. But that such orders may be establish'd, as may, nay must give the upper hand in all cases to common Right or Interest, notwithstanding the nearness of that which sticks to every man in private, and this in a way of equal certainty and facility, is known even to Girls, being no other than those that are of common practice with them in
divers

divers cafes. For example, two of them have a Cake yet undivided, which was given between them : that each of them therefore may have that which is due, Divide, fays one to the other, and I will choofe; or let me divide, and you fhall choofe. If this be but once agreed upon, it is enough : for the dividant, dividing unequally, lofes, in regard that the other takes the better half; wherefore ſhe divides equally, and ſo both have right. *O the depth of the Wiſdom of God!* and yet *by the mouths of Babes and Sucklings has he ſet forth his ſtrength*; that which great Philoſophers are diſputing upon in vain, is brought to light by two harmleſs Girls, even the whole Myſtery of a Common-wealth, which lies only in dividing and chooſing. Nor has God (if his Works in Nature be underſtood) left ſo much to Mankind to diſpute upon, as who ſhall divide, and who choofe, but diſtributed them for ever into two Orders, whereof the one has the natural right of dividing, and the other of chooſing. For Example :

A COMMON-WEALTH is but a civil Society of Men : let us take any number of Men (as twenty) and immediately make a Common-wealth. Twenty Men (if they be not all Idiots, perhaps if they be) can never come ſo together, but there will be ſuch a difference in them, that about a third will be wiſer, or at leaſt leſs fooliſh than all the reſt; theſe upon acquaintance, tho' it be but ſmall, will be diſcover'd, and (as Stags that have the largeſt Heads) lead the Herd : for while the fix diſcourſing and arguing one with another, ſhew the eminence of their parts, the fourteen diſcover things that they never thought on; or are clear'd in divers Truths which had formerly perplex'd them. Wherefore in matter of common concernment, difficulty, or danger, they hang upon their lips as Children upon their Fathers; and the influence thus acquir'd by the fix, the eminence of whoſe parts is found to be a ſtay and comfort to the fourteen, is * the *Authority of the Fathers*. Wherefore this can be no other than a natural Ariſtocracy diffuſ'd by God throughout the whole Body of Mankind to this end and purpoſe; and therefore ſuch as the People have not only a natural, but a poſitive Obligation to make uſe of as their Guides; as where the People of *Iſrael* are commanded to *take wiſe Men, and underſtanding, and known among their Tribes, to be made Rulers over them*. The fix then approv'd of, as in the preſent caſe, are the Senate, not by hereditary Right, or in regard of the greatneſs of their Eſtates only (which would tend to ſuch Power as might force or draw the People) but by election for their excellent Parts, which tends to the advancement of the influence of their Virtue or Authority that leads the People. Wherefore the Office of the Senate is not to be Commanders, but Counſellors of the People; and that which is proper to Counſellors is firſt to debate, and afterward to give advice in the buſineſs whereupon they have debated; whence the Decrees of the Senate are never Laws, nor ſo † call'd: and theſe being maturely fram'd, it is their Duty || to propoſe in the caſe to the People. Wherefore the Senate is no more than the debate of the Common-wealth. But to debate, is to diſcern or put a difference between things that, being alike, are not the ſame; or it is ſeparating and weighing this reaſon againſt that, and that reaſon againſt this, which is dividing.

The Orders of popular Government in Nature.

Deut. 1. 13.

* *Auſtoritas Patrum.* † *Senatusconſulta.* || *Ferre ad Populum.*

The People.

THE Senate then having divided, who shall choose? Ask the Girls: for if she that divided must have chosen also, it had been little worse for the other in case she had not divided at all, but kept the whole Cake to her self, in regard that being to choose too, she divided accordingly. Wherefore if the Senate have any farther power than to divide, the Common-wealth can never be equal. But in a Common-wealth consisting of a single Council, there is no other to choose than that which divided; whence it is, that such a Council fails not to scramble, that is, to be factious, there being no other dividing of the Cake in that case but among themselves.

NOR is there any remedy but to have another Council to choose. The Wisdom of the Few may be the Light of Mankind; but the Interest of the Few is not the Profit of Mankind, nor of a Common-wealth. Wherefore seeing we have granted Interest to be Reason, they must not choose, lest it put out their Light. But as the Council dividing consists of the Wisdom of the Common-wealth, so the Assembly or Council choosing should consist of the Interest of the Common-wealth: as the Wisdom of the Common-wealth is in the Aristocracy, so the Interest of the Common-wealth is in the whole body of the People. And whereas this, in case the Common-wealth consist of a whole Nation, is too unweildy a body to be assembled, this Council is to consist of such a Representative as may be equal, and so constituted, as can never contract any other Interest than that of the whole People; the manner whereof, being such as is best shewn by Exemplification, I remit to the Model. But in the present case, the six dividing, and the fourteen choosing, must of necessity take in the whole interest of the twenty.

DIVIDING and choosing in the language of a Common-wealth is debating and resolving; and whatsoever upon debate of the Senate is propos'd to the People, and resolv'd by them, is enacted * by the authority of the Fathers, and by the power of the People, which concurring, make a Law.

The Magistracy.

BUT the Law being made, says LEVIATHAN, *is but Words and Paper without the Hands and Swords of Men*; wherefore as those two Orders of a Common-wealth, namely the Senate and the People, are Legislative, so of necessity there must be a third to be executive of the Laws made, and this is the Magistracy; in which order, with the rest being wrought up by art, the Common-wealth consists of *the Senate proposing, the People resolving, and the Magistracy executing*: whereby partaking of the *Aristocracy* as in the Senate, of the *Democracy* as in the People, and of *Monarchy* as in the Magistracy, it is complete. Now there being no other Common-wealth but this in Art or Nature, it is no wonder if MACHIAVEL has shew'd us that the Antients held this only to be good; but it seems strange to me, that they should hold that there could be any other: for if there be such a thing as pure *Monarchy*, yet that there should be such a one as pure *Aristocracy*, or pure *Democracy*, is not in my understanding. But the Magistracy both in number and function is different in different Common-wealths. Nevertheless there is one condition of it that must be the same in every one, or it dissolves the Common-wealth where it is wanting. And this is no less than that as the hand of the Magistrate is the executive

* *Authoritate Patrum & jussu Populi.*

Power of the Law, so the head of the Magistrate is answerable to the People that his execution be according to the Law; by which LEVIATHAN may see that the hand or sword that executes the Law is in it, and not above it.

NOW whether I have rightly transcrib'd these Principles of a Common-wealth out of Nature, I shall appeal to God and to the World. To God in the Fabric of the Common-wealth of *Israel*: and to the World in the universal Series of antient Prudence. But in regard the same Common-wealths will be open'd at large in the Council of Legislators, I shall touch them for the present but slightly, beginning with that of *Israel*. *The Orders of a Common-wealth in experience, as that*

THE Common-wealth of *Israel* consisted of the Senate, the People, of *Israel*. and the Magistracy.

THE People by their first division, which was genealogical, were contain'd under their thirteen Tribes, Houses, or Families; whereof the first-born in each was Prince of his Tribe, and had the leading of it: Numb. 1. the Tribe of LEVI only being set apart to serve at the Altar, had no other Prince but the High Priest. In their second division they were divided locally by their Agrarian, or the distribution of the Land of *Canaan* to them by lot; the Tithe of all remaining to LEVI; whence according to their local division, the Tribes are reckon'd but Twelve. *Josh. ch. 13; 10 ch. 42.*

THE Assemblies of the People thus divided were methodically gather'd by Trumpets to the Congregation; which was, it should seem, of two sorts. For if it were call'd by one Trumpet only, the Princes of the Tribes and the Elders only assembl'd; but if it were call'd with two, the whole People gather'd themselves to the Congregation, for so it is render'd by the *English*: but in the *Greek* it is call'd *Ecclesia*, *The People. Numb. 10. 7.* or the Church of God, and by the *Talmudist*, the great Synagogue. The word *Ecclesia* was also antiently and properly us'd for the Civil Congregations or Assemblies of the People in *Athens*, *Lacedemon*, and *Ephesus*, where it is so call'd in Scripture, tho' it be otherwise render'd *Numb. 10. 4. Numb. 10. 3. Judg. 20. 2.* by the Translators, not much as I conceive to their commendation, seeing by that means they have lost us a good lesson, the Apostles borrowing that name for their Spiritual Congregations, to the end that we might see they intended the Government of the Church to be Democratical or Popular, as is also plain in the rest of their Constitutions. *Acts 19. 23.*

THE Church or Congregation of the People of *Israel* assembl'd in a military manner, and had the result of the Common-wealth, or the power of confirming all their Laws, tho' propos'd even by God himself; as where they make him King; and where they reject or depose him as Civil Magistrate, and elect *Saul*. It is manifest that he gave no such example to a Legislator in a popular Government as to deny or evade the power of the People, which were a contradiction: but tho' he deservedly blames the ingratitude of the People in that action, he commands SAMUEL, being next under himself Supreme Magistrate, *to hearken to their Voice* (for where the suffrage of the People goes for nothing, it is no Common-wealth) and comforts him, saying, *They have not rejected thee, but they have rejected me that I should not reign over them*. But to reject him that he should not reign over them, was as Civil Magistrate to depose him. The Power therefore which the People had to depose even God himself as he was Civil Magistrate, leaves little doubt but that they had Power to have rejected any of those Laws confirm'd by them throughout the *Judg. 20. 2. Exod. 19. 1 Sam. 8. 7.*

Deut. 29.

Scripture, which (to omit the several parcels) are generally contain'd under two heads, those that were made by Covenant with the People in the Land of *Moab*, and those which were made by Covenant with the People in *Horeb*: which two, I think, amount to the whole body of the *Israelitish* Laws. But if all and every one of the Laws of *Israel* being propos'd by God, were no otherwise enacted than by Covenant with the People, then that only which was resolv'd by the People of *Israel* was their Law; and so the result of that Common-wealth was in the People. Nor had the People the result only in matter of Law, but the Power in some cases of Judicature; as also the right of levying War; cognizance in matter of Religion; and the Election of their Magistrates, as the Judge or Dictator, the King, the Prince: which functions were exercis'd by the *Synagoga magna* or Congregation of *Israel*, not always in one manner; for sometimes they were perform'd by the suffrage of the People, *vivâ voce*; sometimes by the Lot only; and at others by the Ballot, or by a mixture of the Lot with the Suffrage, as in the case of *ELDAD* and *MEDAD*, which I shall open with the Senate.

Josh. 7. 16.

Judg. 20. 8,

9, 10.

1 Sam. 7. 6. 7.

8.

1 Chron. 13. 2.

2 Chron. 30. 4.

Judg. 11. 11.

1 Sam. 10. 17.

1 Mac. 14.

Exod. 9. 3, 4, 5.

Josh. 7.

1 Sam. 10.

The Senate.

Numb. 11.

Deut. 1.

Numb. 11.

John.

THE Senate of *Israel*, call'd in the Old Testament the *seventy Elders*, and in the New the *Sanhedrim* (which word is usually translated the *Council*) was appointed by God, and consisted of Seventy Elders besides *MOSES*, which were at first elected by the People; but in what manner is rather intimated than shewn. Nevertheless, because I cannot otherwise understand the passage concerning *ELDAD* and *MEDAD*, of whom it is said, *that they were of them that were written, but went not up to the Tabernacle*, then with the *Talmudists*, I conceive that *ELDAD* and *MEDAD* had the Suffrage of the Tribes, and so were written as Competitors for Magistracy; but coming afterwards to the lot, fail'd of it, and therefore went not up to the Tabernacle, or place of Confirmation by God, or to the Session-house of the Senate with the Seventy upon whom the lot fell to be Senators: for the Session-house of the *Sanhedrim* was first in the Court of the Tabernacle, and afterwards in that of the Temple, where it came to be call'd the stone Chamber or Pavement. If this were the *Ballot* of *Israel*, that of *Venice* is the same transpos'd; for in *Venice* the Competitor is chosen as it were by the lot, in regard that the Electors are so made, and the Magistrate is chosen by the *Suffrage of the great Council or Assembly of the People*. But the *Sanhedrim* of *Israel* being thus constituted, *MOSES* for his time, and after him his Successor, sat in the midst of it as *Prince* or *Archon*, and at his left hand the Orator or Father of the Senate; the rest of the bench coming round with either horn like a Crescent, had a Scribe attending upon the tip of it.

THIS Senate, in regard the Legislator of *Israel* was infallible, and the Laws given by God such as were not fit to be alter'd by men, is much different in the exercise of their Power from all other Senates, except that of the *Areopagits* in *Athens*, which also was little more than a Supreme Judicatory; for it will hardly, as I conceive, be found that the *Sanhedrim* propos'd to the People till the return of the Children of *Israel* out of Captivity under *Esdra*s, at which time there was a new Law made, namely, for a kind of Excommunication, or rather Banishment, which had never been before in *Israel*. Nevertheless it is not to be thought that the *Sanhedrim* had not always that right, which from the time of *Esdra*s it more frequently exercis'd, of proposing to the

the People, but that they forbore it in regard of the fulness and infallibility of the Law already made, whereby it was needless. Wherefore the function of this Council, which is very rare in a Senate, was executive, and consisted in the administration of the Law made; and whereas the Council it self is often understood in Scripture by the Priest and the Levite, there is no more in that save only that the Priests and the Levites, who otherwise had no Power at all, being in the younger Years of this Common-wealth, those that were best study'd in the Laws were the most frequently elected into the *Sanhedrim*. For the Courts consisting of three and twenty Elders sitting in the Gates of every City, and the *Triumvirates* of Judges constituted almost in every Village, which were parts of the executive Magistracy subordinate to the *Sanhedrim*, I shall take them at better leisure, and in the larger Discourse; but these being that part of this Common-wealth, which was instituted by MOSES upon the advice of JETHRO the Priest of *Midian*, (as I conceive a Heathen) are to me a sufficient warrant even from God himself, who confirm'd them, to make farther use of human Prudence, wherever I find it bearing a Testimony to it self, whether in Heathen Common-wealths or others: And the rather, because so it is, that we who have the holy Scriptures, and in them the Original of a Common-wealth, made by the same hand that made the World, are either altogether blind or negligent of it; while the Heathens have all written theirs, as if they had had no other Copy: As, to be more brief in the present account of that which you shall have more at large hereafter.

The Magistracy.

Deut. 17. 9, 10, 11.

Exod. 18.

A T H E N S consisted of the Senate of the *Bean* proposing; of the Church or Assembly of the People resolving, and too often debating, which was the ruin of it; as also of the Senate of the *Areopagites*, the nine *Archons*, with divers other Magistrates executing.

Of Athens.

L A C E D E M O N consisted of the Senate proposing; of the Church or Congregation of the People resolving only and never debating, which was the long life of it; and of the two Kings, the Court of the *Ephors*, with divers other Magistrates executing.

Of Lacedemon.

C A R T H A G E consisted of the Senate proposing and sometimes resolving too; of the People resolving and sometimes debating too, for which fault she was reprehended by ARISTOTLE; and she had her *Suffetes*, and her hundred Men, with other Magistrates executing.

Of Carthage.

R O M E consisted of the Senate proposing, the *Concio* or People resolving, and too often debating, which caus'd her storms; as also of the Consuls, Censors, *Aedils*, *Tribunes*, *Pretors*, *Questors*, and other Magistrates executing.

Of Rome.

V E N I C E consists of the Senate or *Pregati* proposing, and sometimes resolving too; of the great Council or Assembly of the People, in whom the result is constitutively; as also of the *Doge*, the *Signory*, the *Censors*, the *Dieci*, the *Quazancies*, and other Magistrates executing.

Of Venice.

T H E proceeding of the Common-wealths of *Switzerland* and *Holland* is of a like nature, tho' after a more obscure manner: for the Sovereignities, whether Cantons, Provinces, or Cities, which are the People, send their Deputies commission'd and instructed by themselves (wherein they reserve the Result in their own power) to the Provincial or general Convention, or Senate, where the Deputies debate, but have no other power of Result than what was confer'd upon them by the People, or is farther confer'd by the same upon farther occasion. And for

Of Switzerland and Holland.

for the executive part they have Magistrates or Judges in every Canton, Province or City, besides those which are more public, and relate to the League, as for adjusting Controversies between one Canton, Province or City, and another; or the like between such persons as are not of the same Canton, Province or City.

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BUT that we may observe a little farther how the Heathen Politicians have written, not only out of Nature, but as it were out of Scripture: As in the Common-wealth of *Israel* God is said to have been King; so the Common-wealth where the Law is King, is said by ARISTOTLE to be *the Kingdom of God*. And where by the Lusts or Passions of Men a Power is set above that of the Law deriving from Reason, which is the dictate of God, God in that sense is rejected or depos'd that he should not reign over them, as he was in *Israel*. And yet LEVIATHAN will have it, that *by reading of these Greek and Latin* (he might as well in this sense have said *Hebrew*) *Authors, young Men, and all others that are unprovided of the antidote of solid Reason, receiving a strong and delightful impression of the great Exploits of War, atchiev'd by the Conductors of their Armies, receive withal a pleasing Idea of all they have done besides; and imagine their great prosperity not to have proceeded from the emulation of particular Men, but from the virtue of their popular form of Government, not considering the frequent Seditions and Civil Wars produc'd by the imperfection of their Polity.* Where, first, the blame he lays to the Heathen Authors is in his sense laid to the Scripture; and whereas he holds them to be young Men, or Men of no antidote that are of like opinions, it should seem that MACHIAVEL, the sole retriever of this antient Prudence, is to his solid Reason a beardless Boy that has newly read LIVY. And how solid his Reason is, may appear, where he grants the great prosperity of antient Common-wealths, which is to give up the Controversy. For such an effect must have some adequate cause; which to evade he insinuates that it was nothing else but the emulation of particular Men: as if so great an Emulation could have been generated without as great Virtue; so great Virtue without the best Education; the best Education without the best Laws; or the best Laws any otherwise than by the excellency of their Polity.

BUT if some of these Common-wealths, as being less perfect in their Polity than others, have been more seditious, it is not more an argument of the infirmity of this or that Common-wealth in particular, than of the excellency of that kind of Polity in general; which if they, that have not altogether reach'd, have nevertheless had greater prosperity, what would befall them that should reach?

IN answer to which Question let me invite LEVIATHAN, who of all other Governments gives the advantage to Monarchy for perfection, to a better disquisition of it by these three assertions.

THE first, That the perfection of Government lies upon such a libration in the frame of it, that no Man or Men in or under it can have the interest; or having the interest, can have the power to disturb it with Sedition.

THE second, That Monarchy, reaching the perfection of the kind, reaches not to the perfection of Government; but must have some dangerous flaw in it.

THE third, That popular Government, reaching the perfection of the kind, reaches the perfection of Government, and has no flaw in it.

THE first assertion requires no proof.

FOR

FOR the proof of the second ; Monarchy, as has been shewn, is of two kinds, the one by Arms, the other by a Nobility, and there is no other kind in Art or Nature ; for it there have been antiently some Governments call'd Kingdoms as one of the *Goths* in *Spain*, and another of the *Vandals* in *Africa*, where the King rul'd without a Nobility, and by a Council of the People only : it is expressly said by the Authors that mention them, that the Kings were but the Captains, and that the People not only gave them Laws, but depos'd them as often as they pleas'd. Nor is it possible in reason that it should be otherwise in like cases ; wherefore these were either no Monarchies, or had greater flaws in them than any other.

BUT for a Monarchy by arms, as that of the *Turk* (which of all models that ever were comes up to the perfection of the kind) it is not in the wit or power of Man to cure it of this dangerous flaw, That the *Janizarys* have frequent interest and perpetual power to raise Sedition, and to tear the Magistrate, even the Prince himself, in pieces. Therefore the Monarchy of *Turky* is no perfect Government.

AND for a Monarchy by a Nobility, as of late in *Oceana* (which of all other models before the declination of it came up to the perfection in that kind) it was not in the power or wit of Man to cure it of that dangerous flaw, That the Nobility had frequent interest and perpetual power by their Retainers and Tenants to raise Sedition ; and (whereas the *Janizarys* occasion this kind of Calamity no sooner than they make an end of it) to levy a lasting War, to the vast effusion of Blood, and that even upon occasions wherein the People, but for their dependance upon their Lords, had no concernment, as in the feud of the *Red* and *White*. The like has been frequent in *Spain*, *France*, *Germany*, and other Monarchies of this kind ; wherefore Monarchy by a Nobility is no perfect Government.

FOR the proof of the third assertion ; LEVIATHAN yeilds it to me, that there is no other Common-wealth but Monarchical or Popular : wherefore if no Monarchy be a perfect Government, then either there is no perfect Government, or it must be popular ; for which kind of Constitution I have something more to say, than LEVIATHAN has said or ever will be able to say for Monarchy. As,

FIRST, That it is the Government that was never conquer'd by any Monarch, from the beginning of the World to this day ; for if the Common-wealths of *Greece* came under the yoke of the Kings of *Macedon*, they were first broken by themselves.

SECONDLY, That it is the Government that has frequently led mighty Monarchs in Triumph.

THIRDLY, That it is the Government, which, if it has been seditious, it has not been so from any imperfection in the kind, but in the particular Constitution ; which, wherever the like has happen'd, must have been unequal.

FOURTHLY, That it is the Government, which, if it has been any thing near equal, was never seditious ; or let him shew me what Sedition has happen'd in *Lacedemon* or *Venice*.

FIFTHLY, That it is the Government, which, attaining to perfect equality, has such a libration in the frame of it, that no Man living can shew which way any Man or Men, in or under it, can contract any such Interest or Power as should be able to disturb the Common-wealth with Sedition ; wherefore an equal Common-wealth is that

only which is without flaw, and contains in it the full perfection of Government. But to return.

BY what has been shewn in Reason and Experience it may appear, that tho' Common-wealths in general be Governments of the Senate proposing, the People resolving, and the Magistracy executing; yet some are not so good at these Orders, as others, thro' some impediment or defect in the frame, balance, or capacity of them, according to which they are of divers kinds.

*Division of
Common-
wealths.*

THE first division of them is into such as are single, as *Israel, Athens, Lacedemon*, &c. and such as are by Leagues, as those of the *Acbeans, Etolians, Lycians, Switz, and Hollanders*.

THE second (being MACHIAVEL's) is into such as are for preservation, as *Lacedemon* and *Venice*, and such as are for increase, as *Athens* and *Rome*; in which I can see no more than that the former takes in no more Citizens than are necessary for defence, and the latter so many as are capable of increase.

THE third division (unseen hitherto) is into equal and unequal, and this is the main point, especially as to domestic Peace and Tranquillity; for to make a Common-wealth unequal, is to divide it into parties, which sets them at perpetual variance, the one party endeavouring to preserve their Eminence and inequality, and the other to attain to Equality: whence the People of *Rome* deriv'd their perpetual strife with the Nobility or Senate. But in an equal Common-wealth there can be no more strife than there can be over-balance in equal weights; wherefore the Common-wealth of *Venice*, being that which of all others is the most equal in the Constitution, is that wherein there never happen'd any strife between the Senate and the People.

AN equal Common-wealth is such a one as is equal both in the balance or foundation, and in the superstructure; that is to say, in her Agrarian Law, and in her Rotation.

*Equal Agra-
rian.*

AN equal *Agrarian* is a perpetual Law establishing and preserving the balance of Dominion by such a distribution, that no one Man or number of Men, within the compass of the Few or *Aristocracy*, can come to overpower the whole People by their possessions in Lands.

AS the *Agrarian* answers to the Foundation, so does *Rotation* to the Superstructures.

Rotation.

EQUAL *Rotation* is equal vicissitude in Government, or succession to Magistracy confer'd for such convenient terms, enjoying equal vacations, as take in the whole body by parts, succeeding others, thro' the free election or suffrage of the People.

*Prolongation
of Magistracy.*

THE contrary whereunto is prolongation of Magistracy, which, trashing the wheel of Rotation, destroys the life or natural motion of a Common-wealth.

Ballot.

THE election or suffrage of the People is most free, where it is made or given in such a manner, that it can neither oblige * nor disoblige another; nor thro' fear of an Enemy, or bashfulness towards a Friend, impair a Man's liberty.

WHEREFORE, says CICERO, † the Tablet or Ballot of the People of *Rome* (who gave their Votes by throwing Tablets or little pieces of wood secretly into Urns mark'd for the negative or affirma-

* Qui beneficium accepit libertatem vendidit. † Grata populo est tabella quæ frontes aperit hominum, mentes tegit, datque eam libertatem ut quod velint faciant.

tive) was a welcome Constitution to the People, as that which; not impairing the assurance of their brows, increas'd the freedom of their Judgment. I have not stood upon a more particular description of this Ballot; because that of *Venice* exemplify'd in the Model is of all others the most perfect.

A N *equal Common-wealth* (by that which has been said) is a Govern-
ment establish'd upon an equal Agrarian, arising into the Superstructures
or three Orders, the Senate debating and proposing, the People resolving,
and the Magistracy executing by an equal Rotation thro' the suffrage of
the People given by the Ballot. For tho' Rotation may be without the
Ballot; and the Ballot without Rotation, yet the Ballot not only as to
the insuing Model includes both; but is by far the most equal way;
for which cause under the name of the Ballot I shall hereafter under-
stand both that and Rotation too.

Definition of
an equal Com-
mon-wealth.

N O W having reason'd the Principles of an equal Common-wealth, I should come to give an instance of such a one in experience, if I could find it; but if this work be of any value, it lies in that it is the first example of a Common-wealth that is perfectly equal. For *Venice*; tho' it comes the nearest, yet is a Common-wealth for preservation; and such a one, considering the paucity of Citizens taken in, and the number not taken in, is externally unequal: and tho' every Common-wealth that holds Provinces must in that regard be such, yet not to that degree. Nevertheless *Venice* internally, and for her capacity, is by far the most equal, tho' it has not in my judgment arriv'd at the full perfection of equality; both because her Laws supplying the defect of an Agrarian, are not so clear nor effectual at the Foundation, nor her Superstructures by the virtue of her Ballot or Rotation exactly librated; in regard that thro' the paucity of her Citizens, her greater Magistracies are continually wheel'd thro' a few hands, as is confess'd by JANOTTI where he says, that if a Gentleman comes once to be *Savio di terra ferma*, it seldom happens that he fails from thenceforward to be adorn'd with some one of the greater Magistracies, as *Savi di mare*, *Savi di terra ferma*, *Savi Grandi*, Counsellors, those of the Decemvirate or Dictatorian Council, the *Aurogatori* or Censors which require no vacation or interval. Wherefore if this in *Venice*, or that in *Lacedemon*, where the Kings were hereditary, and the Senators (tho' elected by the People) for life, cause no inequality (which is hard to be conceiv'd) in a Common-wealth for preservation, or such a one as consists of a few Citizens; yet is it manifest, that it would cause a very great one in a Common-wealth for increase, or consisting of the Many, which by ingrossing the Magistracies in a few hands, would be obstructed in their Rotation.

B U T there be who say (and think it a strong Objection) that let a Common-wealth be as equal as you can imagine, two or three Men when all is done will govern it; and there is that in it, which, notwithstanding the pretended sufficiency of a popular State, amounts to a plain confession of the imbecillity of that Policy, and of the Prerogative of Monarchy: for as much as popular Governments in difficult cases have had recourse to Dictatorian Power, as in *Rome*.

T O which I answer, That as Truth is a spark to which Objections are like bellows, so in this respect our Common-wealth shines; for the Eminence acquir'd by suffrage of the People in a Common-wealth, especially if it be popular and equal, can be ascended by no other steps
than

than the universal acknowledgement of Virtue: and where men excel in Virtue, the Common-wealth is stupid and unjust, if accordingly they do not excel in Authority. Wherefore this is both the advantage of Virtue, which has her due encouragement, and of the Common-wealth which has her due services. These are the Philosophers which PLATO would have to be Princes, the Princes which SOLOMON would have to be mounted, and their Steeds are those of Authority, not Empire; or, if they be buckl'd to the Chariot of Empire, as that of the Dictatorian Power, like the Chariot of the Sun, it is glorious for terms and vacations, or intervals. And as a Common-wealth is a Government of Laws and not of Men, so is this the Principality of Virtue, and not of Man; if that fail or set in one, it rises in another * who is created his immediate Successor. And this takes away that vanity from under the Sun, which is an Error proceeding more or less from all other Rulers under Heaven but an equal Common-wealth.

THESE things consider'd, it will be convenient in this place to speak a word to such, as go about to insinuate to the Nobility or Gentry a fear of the People, or to the People a fear of the Nobility or Gentry, as if their interests were destructive to each other; when indeed an Army may as well consist of Soldiers without Officers, or of Officers without Soldiers, as a Common-wealth (especially such a one as is capable of Greatness) of a People without a Gentry, or of a Gentry without a People. Wherefore this (tho' not always so intended, as may appear by MACHIAVEL, who else would be guilty) is a pernicious error. There is something first in the making of a Common-wealth, then in the governing of it, and last of all in the leading of its Armies; which (tho' there be great Divines, great Lawyers, great Men in all Professions) seems to be peculiar only to the Genius of a Gentleman. For so it is in the universal series of Story, that if any Man has founded a Common-wealth, he was first a Gentleman. MOSES had his Education by the Daughter of PHARAOH; THESEUS and SOLON, of noble Birth, were held by the *Athenians* worthy to be Kings; LYCURGUS was of the Royal Blood; ROMULUS and NUMA Princes; BRUTUS and PUBLICOLA *Patricians*; the GRACCHI, that lost their lives for the People of *Rome* and the restitution of that Common-wealth, were the Sons of a Father adorn'd with two Triumphs, and of CORNELIA the Daughter of SCIPIO, who being demand-ed in marriage by King PTOLEMY, disdain'd to become the Queen of *Egypt*. And the most renown'd OLPHAUS MEGALETOR, sole Legislator (as you will see anon) of the Common-wealth of *Oceana*, was deriv'd from a noble Family: nor will it be any occasion of scruple in this case, that LEVIATHAN affirms the Politics to be no antienter than his Book *de Cive*. Such also as have got any fame in the Civil Government of a Common-wealth, or by the leading of its Armies, have been Gentlemen; for so in all other respects were those plebeian Magistrates elected by the People of *Rome*, being of known Descents, and of equal Virtues, except only that they were excluded from the name by the Usurpation of the *Patricians*. *Holland*, thro' this defect at home, has borrow'd Princes for Generals, and Gentlemen of divers Nations for Commanders: And the *Switzers*, if they have any defect in this

* Uno avulso, non deficit alter
Aureus, & simili frondescit virga metallo.

kind, rather lend their People to the Colours of other Princes; than make that noble use of them at home, which should assert the Liberty of Mankind. For where there is not a Nobility to hearten the People, they are slothful, regardless of the World; and of the public interest of Liberty, as even those of *Rome* had been without their Gentry: wherefore let the People embrace the Gentry in peace, as the light of their Eyes; and in war, as the trophy of their Arms. And if *CORNELIA* disdain'd to be Queen of *Egypt*, if a Roman Consul look'd down from his Tribunal upon the greatest King; let the Nobility love and cherish the People that afford them a Throne so much higher in a Common-wealth, in the acknowledgment of their Virtue, than the Crowns of Monarchs.

BUT if the equality of a Common-wealth consist in the equality first of the Agrarian, and next of the Rotation, then the inequality of a Common-wealth must consist in the absence or inequality of the Agrarian, or of the Rotation, or of both. An unequal Common-wealth.

ISRAEL and *Lacedemon*, which Common-wealths (as the People of this, in *JOSEPHUS*, claims kindred of that) have great resemblance; were each of them equal in their Agrarian, and unequal in their Rotation; especially *Israel*, where the *Sanhedrim* or Senate, first elected by the People, as appears by the words of *MOSES*, took upon them ever after, without any precept of God, to substitute their Successors by Ordination; which having been there of civil use, as Excommunication, Community of Goods, and other Customs of the *Esseans*, who were many of them converted, came afterward to be introduc'd into the Christian Church. And the election of the Judge, *Suffes* or Dictator, was irregular, both for the occasion, the term, and the vacation of that Magistracy; as you find in the Book of *Judges*, where it is often repeated, That in those days there was no King in *Israel*, that is, no Judge: and in the first of *SAMUEL*, where *ELY* judg'd *Israel* forty Years, and *SAMUEL* all his life. In *Lacedemon* the election of the Senate being by suffrage of the People, tho' for life, was not altogether so unequal; yet the hereditary Right of Kings, were it not for the Agrarian, had ruin'd her. Deut. i.

ATHENS and *Rome* were unequal as to their Agrarian, that of *Athens* being infirm, and this of *Rome* none at all; for if it were more antiently carry'd, it was never observ'd. Whence by the time of *TIBERIUS GRACCHUS* the Nobility had almost eaten the People quite out of their Lands, which they held in the occupation of Tenants and Servants: Whereupon, the remedy being too late, and too vehemently apply'd, that Common-wealth was ruin'd.

THESE also were unequal in their Rotation, but in a contrary manner. *Athens*, in regard that the Senate (chosen at once by lot, not by suffrage, and chang'd every Year, not in part, but in the whole) consisted not of the natural Aristocracy; nor sitting long enough to understand, or to be perfect in their office, had no sufficient Authority to restrain the People from that perpetual Turbulence in the end, which was their ruin, notwithstanding the efforts of *NICIAS*, who did all a Man could do to help it. But as *Athens* by the headiness of the People, so *Rome* fell by the Ambition of the Nobility, thro' the want of an equal Rotation; which, if the People had got into the Senate, and timely into the Magistracies (whereof the former was always usurp'd by

by the *Patricians*, and the latter for the most part) they had both carried and held their Agrarian, and that had render'd that Commonwealth immoveable.

BUT let a Commonwealth be equal or unequal, it must consist, as has been shewn by Reason and all Experience, of the three general Orders; that is to say, of the Senate debating and proposing, of the People resolving, and of the Magistracy executing. Wherefore I can never wonder enough at LEVIATHAN, who, without any reason or example, will have it, that a Commonwealth consists of a single Person, or of a single Assembly; nor can I sufficiently pity those *thousand Gentlemen, whose Minds, which otherwise would have waver'd, he has fram'd* (as is affirm'd by himself) *into a conscientious obedience* (for so he is pleas'd to call it) *of such a Government.*

BUT to finish this part of the Discourse, which I intend for as complete an Epitome of antient Prudence, and in that of the whole Art of Politics, as I am able to frame in so short a time;

THE two first Orders, that is to say, the Senate and the People, are Legislative, whereunto answers that part of this Science which by Politicians is intitled * *of Laws*; and the third Order is executive, to which answers that part of the same Science which is stil'd † *of the Frame and Course of Courts or Judicatories*. A word to each of these will be necessary.

Of Laws.

AND first for Laws, they are either Ecclesiastical or Civil, such as concern Religion or Government.

LAWS Ecclesiastical, or such as concern Religion, according to the universal course of antient Prudence, are in the power of the Magistrate; but according to the common practice of modern Prudence, since the Papacy, torn out of his hands.

BUT, as a Government pretending to liberty, and yet suppressing Liberty of Conscience (which, because Religion not according to a Man's Conscience can to him be none at all, is the main) must be a contradiction; so, a Man that, pleading for the Liberty of private Conscience, refuses Liberty to the National Conscience, must be absurd.

A COMMON-WEALTH is nothing else but the National Conscience. And if the conviction of a Man's private Conscience produces his private Religion, the conviction of the national Conscience must produce a national Religion. Whether this be well reason'd, as also whether these two may stand together, will best be shewn by the examples of the antient Commonwealths taken in their order.

Deut. 17.

IN that of *Israel* the Government of the National Religion appertain'd not to the Priests and Levites, otherwise than as they happen'd to be of the *Sanhedrim* or Senate, to which they had no right at all but by election. It is in this capacity therefore that the People are commanded under pain of death *to hearken to them, and to do according to the sentence of the Law which they should teach*; but in *Israel* the Law Ecclesiastical and Civil was the same, therefore the *Sanhedrim* having the power of one, had the power of both. But as the National Religion appertain'd to the Jurisdiction of the *Sanhedrim*, so the Liberty of Conscience appertain'd, from the same date, and by the same right, to the

Deut. 18. 10. Prophets and their Disciples; as where it is said, *I will raise up a Pro-*

* De Legibus. † De Judiciis.

phet—and whoever will not hearken to my words which he shall speak in my name, I will require it of him. The words relate to prophetic Right, which was above all the Orders of this Common-wealth; whence ELIJAH not only refus'd to obey the King, but destroy'd his Messengers with fire. And whereas it was not lawful by the National Religion to sacrifice in any other place than the Temple, a Prophet was his own Temple, and might sacrifice where he would, as ELIJAH did in *Mount Carmel*. By this right JOHN the Baptist and our Saviour, to whom it more particularly related, had their Disciples, and taught the People; whence is deriv'd our present right of GATHER'D CONGREGATIONS: wherefore the Christian Religion grew up according to the Orders of the Common-wealth of *Israel*, and not against them. Nor was Liberty of Conscience infring'd by this Government, till the Civil Liberty of the same was lost, as under HEROD, PILATE, and TIBERIUS, a three-pil'd Tyranny.

2 Kings 1.

1 Kings 18. 19.

TO proceed, *Athens* preserv'd her Religion, by the testimony of PAUL, with great Superstition: If ALCIBIADES, that Atheistical fellow, had not shew'd them a pair of heels, they had shaven off his head for shaving their MERCURYS, and making their Gods look ridiculously upon them without beards. Nevertheless if PAUL reason'd with them, they lov'd news, for which he was the more welcome; and if he converted DIONYSIUS the *Areopagit*, that is, one of the Senators, there follow'd neither any hurt to him, nor less of honour to DIONYSIUS. And for *Rome*, if CICERO, in his most excellent Book *de natura Deorum*, overthrew the National Religion of that Common-wealth, he was never the farther from being Consul. But there is a meanness and poorness in modern Prudence, not only to the damage of Civil Government, but of Religion itself: for to make a man in matter of Religion, which admits not of sensible demonstration (*jurare in verba Magistris*) engage to believe no otherwise than is believ'd by my Lord Bishop, or Goodman Presbyter, is a Pedantism, that has made the Sword to be a Rod in the hands of School-masters; by which means, whereas the Christian Religion is the farthest of any from countenancing War, there never was a War of Religion but since Christianity: For which we are beholden to the Pope; for the Pope not giving liberty of Conscience to Princes and Common-wealths, they cannot give that to their Subjects which they have not themselves: whence both Princes and Subjects either thro' his instigation, or their own disputes (have introduc'd that execrable custom, never known in the world before, of fighting for Religion, and denying the Magistrate to have any jurisdiction concerning it; whereas the Magistrates losing the power of Religion loses the Liberty of Conscience, which in that case has nothing to protect it. But if the People be otherwise taught, it concerns them to look about them, and to distinguish between the shrieking of the Lapwing, and the voice of the Turtle.

TO come to Civil Laws, if they stand one way and the balance another, it is the case of a Government which of necessity must be new model'd; wherefore your Lawyer advising you upon the like occasions to fit your Government to their Laws, are no more to be regarded, than your Taylor if he should desire you to fit your body to his doublet. There is also danger in the plausible pretence of reforming the Law, except the Government be first good, in which case it is a good Tree,

Tree, and (trouble not yourselves overmuch) brings not forth evil fruit; otherwise, if the Tree be evil, you can never reform the fruit: or if a Root that is naught bring forth fruit of this kind that seems to be good, take the more heed, for it is the ranker poison. It was no-wise probable, if AUGUSTUS had not made excellent Laws, that the bowels of *Rome* could have come to be so miserably eaten out by the Tyranny of TIBERIUS and his Successors. The best Rule as to your Laws in general is, that they be few. *Rome* by the testimony of CICERO was best govern'd under those of the twelve Tables; and by that of TACITUS, *Plurimæ leges, corruptissima respublica*. You will be told, That where the Laws be few, they leave much to Arbitrary Power; but where they be many, they leave more: The Laws in this case, according to JUSTINIAN and the best Lawyers, being as litigious as the Suitors. SOLON made few; LYCURGUS fewer Laws: and Common-wealths have the fewest at this day of all other Governments.

Of Courts.

NOW to conclude this part with a word *de Judiciis*, or of the *Constitution or Course of Courts*; it is a Discourse not otherwise capable of being well manag'd but by particular examples, both the Constitution and Course of Courts being divers in different Governments, but best beyond compare in *Venice*, where they regard not so much the Arbitrary Power of their Courts, as the Constitution of them; whereby that Arbitrary Power being altogether unable to retard or do hurt to business, produces and must produce the quickest dispatch, and the most righteous dictates of Justice that are perhaps in human nature. The manner I shall not stand in this place to describe, because it is exemplify'd at large in the Judicature of the People of *Oceana*. And thus much of antient Prudence, and the first branch of this preliminary Discourse.

The Second Part of the Preliminaries.

IN the second Part I shall endeavour to shew the rise, Progress, and Declination of modern Prudence.

THE date of this kind of Policy is to be computed, as was shewn, from those Inundations of *Goths, Vandals, Huns, and Lombards*, that overwhelm'd the *Roman* Empire. But as there is no appearance in the Bulk or Constitution of modern Prudence, that it should ever have been able to come up and grapple with the Antient, so something of necessity must have interpos'd whereby this came to be enervated, and that to receive strength and encouragement. And this was the execrable Reign of the *Roman* Emperors taking rise from (that *fælix scelus*) the Arms of CÆSAR, in which storm the Ship of the *Roman* Common-wealth was forc'd to disburden itself of that precious Freight, which never since could emerge or raise its head but in the *Gulf of Venice*.

IT said in Scripture, *Thy evil is of thy self, O Israel!* To which answers that of the Moralists, * *None is hurt but by himself*, as also the whole matter of the Politics; at present this Example of the *Romans*, who, thro' a negligence committed in their Agrarian Laws, let in the sink of Luxury, and forfeited the inestimable Treasure of Liberty for themselves and their Posterity.

*The Transition
of Antient into
Modern Pru-
dence.*

THEIR Agrarian Laws were such, whereby their Lands ought to have been divided among the People, either without mention of a Colony, in which case they were not oblig'd to change their abode; or with mention and upon condition of a Colony, in which case they were to change their abode; and leaving the City, to plant themselves upon the Lands so assign'd. The Lands assign'd, or that ought to have been assign'd in either of these ways, were of three kinds: Such as were taken from the Enemy and distributed to the People; or such as were taken from the Enemy, and under colour of being reserv'd to the Public use, were thro' stealth possess'd by the Nobility; or such as were bought with the Public Money to be distributed. Of the Laws offer'd in these cases, those which divided the Lands taken from the Enemy, or purchas'd with the Public Money, never occasion'd any dispute; but such as drove at dispossessing the Nobility of their Usurpations, and dividing the *common purchase of the Sword among the People*, were never touch'd but they caus'd Earthquakes, nor could they ever be obtain'd by the People; or being obtain'd, be observ'd by the Nobility, who not only preserv'd their prey, but growing vastly rich upon it, bought the People by degrees quite out of those Shares that had been confer'd upon them. This the GRACCHI coming too late to perceive, found the Balance of the Commonwealth to be lost; but putting the People (when they had least force) by forcible means upon the recovery of it, did ill, seeing it neither could nor did tend to any more than to shew them by worse effects, that what the Wisdom of their Leaders, had discover'd was true. For (quite contrary to what has happen'd in *Oceana*, where, *the Balance falling to the Peo-*

*The Agrarian
Laws of the
Romans.*

Sigonius de
Ant. Ro.

* *Nemo nocetur nisi ex se.*

Military Co-
lonies.

ple, they have overthrown the Nobility) that Nobility of Rome, under the conduct of SYLLA, overthrew the People and the Commonwealth: seeing SYLLA first introduc'd that new Balance, which was the Foundation of the succeeding Monarchy, in the plantation of Military Colonies, instituted by his distribution of the conquer'd Lands, not now of Enemies, but of Citizens, to forty seven Legions of his Soldiers; so that how he came to be PERPETUAL DICTATOR, or other Magistrates to succeed him in like Power, is no Miracle.

The Balance of
the Roman
Empire.

THESE Military Colonies (in which manner succeeding Emperors continu'd, as AUGUSTUS by the distribution of the *Veterans*, whereby he had overcome BRUTUS and CASSIUS, to plant their Soldiery) consisted of such as I conceive were they that are call'd *Milites beneficiarii*; in regard that the Tenure of their Lands was by way of Benefices, that is for Life, and upon condition of Duty or Service in the War upon their own Charge. These Benefices ALEXANDER SEVERUS granted to the Heirs of the Incumbents, but upon the same conditions. And such was the Dominion by which the Roman Emperors gave their Balance. But to the Beneficiaries, as was no less than necessary for the safety of the Prince, a matter of eight thousand by the Example of AUGUSTUS were added, which departed not from his sides, but were his perpetual Guard, call'd *Pretorian Bands*; tho' these, according to the incurable flaw already observ'd in this kind of Government, became the most frequent Butchers of their Lords that are to be found in Story. Thus far the Roman Monarchy is much the same with that at this day in Turkey, consisting of a Camp, and a Horse-quarter; a Camp in regard of the *Spahys and Janizarys*, the perpetual Guard of the Prince, except they also chance to be liquorish after his Blood; and a Horse-quarter in regard of the distribution of his whole Land to Tenants for Life, upon condition of continual Service, or as often as they shall be commanded at their own charge by *Timars*, being a word which they say signifies *Benefices*, that it shall save me a labour of opening the Government.

BUT the Fame of MAHOMET and his Prudence, is especially founded in this, That whereas the Roman Monarchy, except that of *Israel*, was the most imperfect, the Turkish is the most perfect that ever was. Which happen'd in that the Roman (as the *Israelitish* of the *Sanhedrim* and the Congregation) had a mixture of the Senate and the People; and the Turkish is pure. And that this was pure, and the other mix'd, happen'd not thro' the Wisdom of the Legislators, but the different Genius of the Nations; the People of the Eastern Parts, except the *Israelites*, which is to be attributed to their Agrarian, having been such as scarce ever knew any other Condition than that of Slavery; and these of the Western having ever had such a relish of Liberty, as thro' what despair soever could never be brought to stand still while the Yoke was putting on their Necks, but by being fed with some hopes of reserving to themselves some part of their Freedom.

Dion.

WHEREFORE JULIUS CÆSAR (saith * SÆTONIUS) contented himself in naming half the Magistrates, to leave the rest to the suffrage of the People. And MÆCENAS, tho' he would not have AUGUSTUS to give the People their Liberty, would not have him

* Comitia cum populo sortitus est.

take it quite away *. Whence this Empire being neither *Hawk* nor *Buzzard*, made a flight accordingly; and the Prince being perpetually tost (having the Avarice of the Soldiery on this hand to satisfy upon the People, and the Senate and the People on the other to be defended from the Soldiery) seldom dy'd any other death than by one Horn of this *Dilemma*, as is noted more at large by MACHIAVEL. But P. cap. 19. the *Pretorian Bands*, those bestial executioners of their Captain's Tyranny upon others, and of their own upon him, having continued from the time of AUGUSTUS, were by CONSANTINE the Great (incens'd against them for taking part with his Adversary MAXENTIUS) remov'd from their strong Garrison which they held in *Rome*, and distributed into divers Provinces. The Benefices of the Soldiers that were hitherto held for Life and upon Duty, were by this Prince made hereditary: so that the whole Foundation whereupon this Empire was first built being now remov'd, shews plainly, that the Emperors must long before this have found out some other way of support; and this was by stipendiating the *Goths*, a People that, deriving their Roots from the Northern parts of *Germany*, or out of *Sweden*, had (thro' their Victories obtain'd against DOMITIAN) long since spread their Branches to so near a Neighbourhood with the *Roman* Territories, that they began to overshadow them. For the Emperors making use of them in their Armies (as the *French* do at this day of the *Switz*) gave them that under the notion of a Stipend, which they receiv'd as Tribute, coming (if there were any default in the payment) so often to distrein for it, that in the time of HONORIUS they sack'd *Rome*, and possess themselves of *Italy*. And such was the transition of antient into modern Prudence; or that breach which being follow'd in every part of the *Roman* Empire with Inundations of *Vandals*, *Huns*, *Lombards*, *Franks*, *Saxons*, overwhelm'd antient Languages, Learning, Prudence, Manners, Cities, changing the names Machiavel. of Rivers, Countries, Seas, Mountains, and Men; CAMILLUS, CÆSAR and POMPEY, being come to EDMUND, RICHARD, and GEOFFREY.

TO open the Groundwork or Balance of these new Politicians: The Gothic Balance. *Feudum*, says CALVIN the Lawyer, is a *Gothic* word of divers significations; for it is taken either for *War*, or for a possession of conquer'd Lands, distributed by the Victor to such of his Captains and Soldiers as had merited in his Wars, upon condition to acknowledge him to be their perpetual Lord, and themselves to be his Subjects.

OF these there were three Kinds or Orders: The first of Nobility, distinguish'd by the Titles of Dukes, Marquisses, Earls; and these being gratified with the Cities, Castles, and Villages of the conquer'd *Italians*, their Feuds participated of Royal Dignity, and were call'd *Regalia*, by which they had right to coin Money, create Magistrates, take Toll, Customs, Confiscations, and the like. Institution of Feudatory Principalities.

FEUDS of the second Order were such as, with the consent of the King, were bestow'd by these Feudatory Princes upon Men of inferior Quality, call'd their *Barons*, on condition that next to the King they should defend the Dignities and Fortunes of their Lords in Arms.

* Neque id existimare debes autorem me tibi esse, ut tyrannidem in S. P. Q. R. in servitutum redactum teneas: quod neque dicere meum, neque facere tuum est.

THE lowest Order of *Feuds* were such as being confer'd by those of the second Order upon private men, whether Noble or not Noble, oblig'd them in the like Duty to their Superiors; these were call'd *Vassors*. And this is the *Gothic Balance*, by which all the Kingdoms this day in Christendom were at first erected; for which cause, if I had time, I should open in this place the Empire of *Germany*, and the Kingdoms of *France*, *Spain*, and *Poland*: But so much as has been said being sufficient for the discovery of the Principles of modern Prudence in general, I shall divide the remainder of my Discourse, which is more particular, into three parts.

THE first shewing the Constitution of the late Monarchy of *Oceana*.

THE second, the Dissolution of the same. And

THE third, the Generation of the present Commonwealth.

THE Constitution of the late Monarchy of *Oceana* is to be consider'd in relation to the different Nations by whom it has been successively subdu'd and govern'd. The first of these were the *Romans*, the second the *Teutons*, the third the *Scandians*, and the fourth the *Neustrians*.

THE Government of the *Romans*, who held it as a Province, I shall omit, because I am to speak of their Provincial Government in another place; only it is to be remember'd here, that if we have given over running up and down naked, and with dappl'd hides, learn'd to write and read, and to be instructed with good Arts, for all these we are beholden to the *Romans*, either immediately, or mediately by the *Teutons*: for that the *Teutons* had the Arts from no other hand, is plain enough by their Language, which has yet no word to signify either writing or reading, but what is deriv'd from the *Latin*. Furthermore, by the help of these Arts so learn'd, we have been capable of that Religion which we have long since receiv'd; wherefore it seems to me, that we ought not to detract from the memory of the *Romans*, by whose means we are, as it were, of Beasts become Men, and by whose means we might yet of obscure and ignorant Men (if we thought not too well of our selves) become a wise and a great People.

For the proof of the insuing Discourse out of Records and Antiquities, see Selden's Titles of Honour from pag. 593, to pag. 837.

The Teuton Monarchy.

THE *Romans* having govern'd *Oceana* provincially, the *Teutons* were the first that introduc'd the Form of the late Monarchy. To these succeeded the *Scandians*, of whom (because their Reign was short, as also because they made little alteration in the Government as to the Form) I shall take no notice. But the *Teutons*, going to work upon the *Gothic Balance*, divided the whole Nation into three sorts of *Feuds*, that of *Ealdorman*, that of *Kings Thane*, and that of *Middle Thane*.

WHEN the Kingdom was first divided into Precincts will be as hard to shew, as when it began first to be govern'd; it being impossible that there should be any Government without some Division. The Division that was in use with the *Teutons*, was by Counties, and every County had either its *Ealdorman*, or *High Reeve*. The title of *Ealdorman* came in time to *Eorl*, or *Erl*, and that of *High Reeve* to *High Skeriff*.

EARL

EARL of the Shire or County denoted the *Kings Thane*, or Tenant by Grand Sejeantry or Knights Service, in chief or *in capite*; his Possessions were sometimes the whole Territory from whence he had his denomination, that is, the whole County, sometimes more than one County, and sometimes less, the remaining part being in the Crown. He had also sometimes a third, or some other customary part of the profits of certain Cities, Boroughs, or other places within his Earldom. For an example of the possessions of Earls in antient times, ETHELRED had to him and his Heirs the whole Kingdom of *Mercia*, containing three or four Counties; and there were others that had little less.

Earls.

KINGS *Thane* was also an honorary Title, to which he was qualify'd that had five Hides of Land held immediately of the King by service of personal attendance; insomuch that if a Churl or Countryman had thriven to this proportion, having a Church, a Kitchen, a Belhouse (that is, a Hall with a Bell in it to call his Family to dinner) a Borough-gate with a seat (that is a Porch) of his own, and any distinct Office in the King's Court, then was he the *Kings Thane*. But the proportion of a Hide Land, otherwise call'd *Caruca*, or a Plow Land, is difficult to be understood, because it was not certain; nevertheless it is generally conceiv'd to be so much as may be manag'd with one Plow, and would yeild the maintenance of the same, with the appurtenances in all kinds.

Kings Thane.

THE *Middle Thane* was feudal, but not honorary; he was also call'd a *Vavafor*, and his Lands a *Vavafory*, which held of some Mesn Lord, and not immediately of the King.

Middle Thane.

POSSESSIONS and their Tenures, being of this nature, shew the Balance of the *Teuton* Monarchy; wherein the Riches of Earls were so vast, that to arise from the Balance of their Dominion to their Power, they were not only call'd *Reguli* or little Kings, but were such indeed; their Jurisdiction being of two sorts, either that which was exercis'd by them in the Court of their Counties, or in the High Court of the Kingdom.

IN the Territory denominating an Earl, if it were all his own, the Courts held, and the Profits of that Jurisdiction were to his own use and benefit. But if he had but some part of his County, then his Jurisdiction and Courts (saving perhaps in those possessions that were his own) were held by him to the King's use and benefit; that is, he commonly supply'd the Office which the Sheriffs regularly executed in Counties that had no Earls, and whence they came to be call'd *Viscounts*. The Court of the County that had an Earl was held by the Earl and the Bishop of the Diocess, after the manner of the Sheriffs Turns to this day; by which means both the Ecclesiastical and Temporal Laws were given in charge together to the Country. The Causes of *Vavafors* or *Vavaforys* appertain'd to the cognizance of this Court, where Wills were prov'd, Judgment and Execution given, Cases criminal and civil determin'd.

Shiremoot.

Viscounts.

THE *Kings Thanes* had the like Jurisdiction in their *Thane Lands*, as Lords in their Manors, where they also kept Courts.

Halymoot.

BESIDES these in particular, both the Earls and *Kings Thanes*, together with the Bishops, Abbats, and *Vavafors*, or *Middle Thanes*, had in the High Court or Parliament of the Kingdom, a more public Jurisdiction, consisting First of deliberative Power for advising upon,

Weidenagmoots.

and assenting to new Laws: Secondly, of giving council in matters of State: and Thirdly, of Judicature upon Suits and Complaints. I shall not omit to enlighten the obscurity of these times (in which there is little to be found of a methodical Constitution of this High Court) by the addition of an Argument, which I conceive to bear a strong testimony to it self, tho' taken out of a late Writing that conceals the Author. " It is well known, says he, that in every quarter of the Realm
 " a great many Boroughs do yet send Burgeesses to the Parliament,
 " which nevertheless be so antiently and so long since decay'd and gone
 " to nought, that they cannot be shew'd to have been of any Reputation
 " since the Conquest, much less to have obtain'd any such Privilege
 " by the grant of any succeeding King: wherefore these must have
 " had this right by more antient usage, and before the Conquest, they
 " being unable now to shew whence they deriv'd it.

25 Edw. 3. c.
1.

THIS Argument (tho' there be more) I shall pitch upon as sufficient to prove; First, that the lower sort of the People had right to Session in Parliament during the time of the *Teutons*. Secondly, that they were qualify'd to the same by election in their Boroughs, and, if Knights of the Shire (as no doubt they are) be as antient in the Countries. Thirdly, If it be a good Argument to say, that the Commons during the reign of the *Teutons* were elected into Parliament, because they are so now, and no man can shew when this custom began; I see not which way it should be an ill one to say, that the Commons during the reign of the *Teutons* constituted also a distinct House, because they do so now; unless any man can shew that they did ever sit in the same House with the Lords. Wherefore to conclude this part, I conceive for these, and other reasons to be mention'd hereafter, that the Parliament of the *Teutons* consisted of the King, the Lords Spiritual and Temporal, and the Commons of the Nation, notwithstanding the stile of divers acts of Parliament, which runs as that of *Magna Charta* in the King's name only, seeing the same was nevertheless enacted by the King, Peers, and Commons of the Land, as is testify'd in those words by a subsequent Act.

Monarchy of
the *Neustrians*.

THE Monarchy of the *Teutons* had stood in this posture about two hundred and twenty years; when TURBO Duke of *Neustria* making his claim to the Crown of one of their Kings that dy'd childless, follow'd it with successful Arms; and being possessor of the Kingdom, us'd it as conquer'd, distributing the Earldoms, Thane Lands, Bishopricks and Prelacies of the whole Realm among his *Neustrians*. From this time the Earl came to be call'd *Comes*, *Consul*, and *Dux* (tho' *Consul* and *Dux* grew afterward out of use) the *Kings Thanes* came to be call'd *Barons*, and their Lands Baronies; the *Middle Thane* holding still of a mean Lord, retain'd the name of *Vavasser*.

Their Earls.

27. H. 8.

THE *Earl* or *Comes* continu'd to have the third part of the Pleas of the County paid to him by the Sheriff or *Vice-comes*, now a distinct Officer in every County depending upon the King; saving that such Earls as had their Counties to their own use, were now *Counts Palatine*, and had under the King Regal Jurisdiction: insomuch that they constituted their own Sheriffs, granted Pardons, and issu'd Writs in their own names; nor did the King's Writ of ordinary Justice run in their Dominions till a late Statute, whereby much of this privilege was taken away.

FOR

FOR *Barons*, they came from henceforth to be in different times of *Their Barons*. three kinds; Barons by their Estates and Tenures, Barons by Writ, and Barons created by Letters Patents. From *TURBO* the first to *ADOXUS* the seventh King from the Conquest, Barons had their denomination from their Possessions and Tenures. And these were either Spiritual or Temporal; for not only the Thane Lands, but the possessions of Bishops, as also of some twenty six Abbats, and two Priors, were now erected into Baronies, whence the Lords Spiritual that had suffrage in the *Teuton* Parliament as Spiritual Lords, came to have it in the *Neustrian* Parliament as Barons, and were made subject (which they had not formerly been) to Knights service in chief. *Barony* coming henceforth to signify all honorary possessions as well of Earls as Barons, and Baronage to denote all kinds of Lords as well Spiritual as Temporal having right to sit in Parliament, the Baronies in this sense were sometimes more, and sometimes fewer, but commonly about 200 or 250, containing in them a matter of sixty thousand *feuda militum*, or Knights Fees, whereof some twenty eight thousand were in the Clergy. It is ill luck that no man can tell what the Land of a Knights Fee (reckon'd in some Writs at 40 *l.* a year, and in others at 10 *l.*) was certainly worth; for by such a help we might have exactly demonstrated the Balance of this Government. But says *COOK*, it contain'd twelve Plow Lands, and that was thought to be the most certain account. But this again is extremely uncertain; for one Plow out of some Land that was fruitful, might work more than ten out of some other that was barren. Nevertheless, seeing it appears by *BRACON*, that of Earldoms and Baronies it was wont to be said, that the whole Kingdom was compos'd; as also, that these consisting of 60000 Knights Fees, furnish'd 60000 men for the King's service, being the whole Militia of this Monarchy, it cannot be imagin'd, that the *Vavasors* or Freeholds in the People amounted to any considerable proportion. Wherefore the Balance and Foundation of this Government was in the 60000 Knights Fees, and these being possess'd by the 250 Lords, it was a Government of the Few, or of the Nobility; wherein the People might also assemble, but could have no more than a mere name. And the Clergy holding a third to the whole Nation, as is plain by the Parliament Roll; it is an absurdity (seeing the Clergy of *France* came first thro' their Riches to be a State of that Kingdom) to acknowledge the People that have been a State of this Realm, and not to allow it to the Clergy, who were so much more weighty in the Balance, which is that of all other whence a State or Order in a Government is denominated. Wherefore this Monarchy consisted of the King, and of the three (*ordines Regni*, or) Estates, the Lords Spiritual and Temporal, and the Commons: It consisted of these I say as to the balance, tho' during the Reign of some of these Kings, not as to the administration.

Barons by their Possessions.

Cook 11 Inst. pag. 596.

Balance of the Neustrian Monarchy.

4 Rich. 2. Numb. 13.

FOR the ambition of *TURBO*, and some of those that more immediately succeeded him, to be absolute Princes, strove against the nature of their Foundation, and, inasmuch as he had divided almost the whole Realm among his *Neustrians*, with some encouragement for a while. But the *Neustrians* while they were but foreign Plants, having no security against the Natives, but in growing up by their Princes sides, were no sooner well rooted in their vast Dominions, than they came up according to the infallible consequence of the Balance domestic, and,

Administration of the Neustrian Monarchy during the reign of the first Kings.

and, contracting the National interest of the Baronage, grew as fierce in the vindication of the antient Rights and Liberties of the same, as if they had been always Natives: Whence, the Kings being as obstinate on the one side for their absolute Power, as these on the other for their Immunities, grew certain Wars which took their denomination from the Barons.

Barons by
Writ.

49 H 3.

Barons by Let-
ters Patents.

Dissolution of
the late Mo-
narchy of
Oceana.

THIS fire about the middle of the Reign of A D O X U S began to break out. And whereas the Predecessors of this King had divers times been forc'd to summon Councils resembling those of the *Teutons*, to which the Lords only that were Barons by Dominion and Tenure had hitherto repair'd, A D O X U S seeing the effects of such Dominion, began first not to call such as were Barons by Writ (for that was according to the practice of antient times) but to call such by Writs as were otherwise no Barons; by which means striving to avoid the consequence of the Balance, in coming unwillingly to set the Government streight, he was the first that set it awry. For the Barons in his Reign, and his Successors, having vindicated their antient Authority, restor'd the Parliament with all the Rights and Privileges of the same, saving that from thenceforth the Kings had found out a way whereby to help themselves against the mighty, by Creatures of their own, and such as had no other support but by their favour. By which means this Government, being indeed the Master-piece of modern Prudence, has been cry'd up to the Skys, as the only invention whereby at once to maintain the Sovereignty of a Prince, and the Liberty of the People. Whereas indeed it has been no other than a wrestling match, wherein the Nobility, as they have been stronger, have thrown the King; or the King, if he has been stronger, has thrown the Nobility; or the King, where he has had a Nobility, and could bring them to his party, has thrown the People, as in *France* and *Spain*; or the People where they have had no Nobility, or could get them to be of their party, have thrown the King, as in *Holland*, and of later times in *Oceana*. But they came not to this strength but by such approaches and degrees, as remain to be further open'd. For whereas the Barons by Writ (as the sixty four Abbats, and thirty six Priors that were so call'd) were but *pro tempore*, D I C O T O M E being the twelfth King from the Conquest, began to make Barons by Letters Patents, with the addition of honorary Pen-sions for the maintainance of their Dignities to them and their Heirs; so that they were hands in the King's Purse, and had no shoulders for his Throne. Of these when the House of Peers came once to be full, as will be seen hereafter, there was nothing more empty. But for the present, the Throne having other supports, they did not hurt that so much as they did the King: For the old Barons taking D I C O T O M E's Prodigality to such Creatures so ill, that they depos'd him, got the trick of it, and never gave over setting up and pulling down their Kings according to their various interests, and that faction of the *White* and *Red*, into which they had been thenceforth divided, till P A N U R G U S the eighteenth King from the Conquest, was more by their Favour than his Right advanc'd to the Crown. This King thro' his natural subtilty reflecting at once upon the greatness of their Power, and the inconstancy of their favour, began to find another Flaw in this kind of Government, which is also noted by M A C H I A V E L, namely that a Throne supported by a Nobility, is not so hard to be ascended, as kept warm. Wherefore his secret Jealousy, left the dissension of the Nobility, as it brought

brought him in, might throw him out, made him travel in ways undiscover'd by them, to ends as little foreseen by himself: while to establish his own safety, he by mixing water with their Wine, first began to open those Sluces that have since overwhelm'd not the King only, but the Throne. For whereas a Nobility strikes not at the Throne without which they cannot subsist, but at some King that they do not like; popular Power strikes thro' the King at the Throne, as that which is incompatible with it. Now that PANURGUS in abating the Power of the Nobility, was the cause whence it came to fall into the hands of the People, appears by those several Statutes that were made in his Reign, as that for *Population*, those against *Retainers*, and that for *Alienations*.

BY the Statute of Population, all houses of Husbandry that were us'd with twenty Acres of Ground and upwards, were to be maintain'd, and kept up for ever with a competent proportion of Land laid to them, and in no wise, as appears by a subsequent Statute, to be sever'd. By which means the houses being kept up, did of necessity enforce Dwellers; and the proportion of Land to be till'd being kept up, did of necessity enforce the Dweller not to be a Begger or Cottager, but a Man of some substance, that might keep Hinds and Servants, and set the Plow a going. This did mightily concern (says the Historian of that Prince) the might and manhood of the Kingdom, and in effect amortize a great part of the Lands to the hold and possession of the Yeomanry or middle People, who living not in a servile or indigent fashion, were much unlink'd from dependance upon their Lords, and living in a free and plentiful manner, became a more excellent Infantry; but such a one upon which the Lords had so little Power, that from henceforth they may be computed to have been disfarm'd.

AND as they lost their Infantry after this manner, so their Cavalry and Commanders were cut off by the Statute of Retainers; for whereas it was the custom of the Nobility to have younger Brothers of good houses, metal'd fellows, and such as were knowing in the feats of Arms about them; they who were longer follow'd with so dangerous a train, escap'd not such Punishments, as made them take up.

HENCEFORTH the Country-lives, and great Tables of the Nobility, which no longer nourish'd veins that would bleed for them, were fruitless and loathsome till they chang'd the Air, and of Princes became Courtiers; where their Revenues, never to have been exhausted by Beef and Mutton, were found narrow, whence follow'd racking of Rents, and at length sale of Lands: the riddance thro' the Statute of Alienations being render'd far more quick and facil than formerly it had been thro' the new invention of Intails.

TO this it happen'd, that CORAUNUS the Successor of that King dissolving the Abbies, brought with the declining state of the Nobility so vast a prey to the Industry of the People, that the Balance of the Common-wealth was too apparently in the popular Party, to be unseen by the wise Council of Queen PARTHENIA, who converting her reign thro' the perpetual Love-tricks that pass between her and her People into a kind of Romance, wholly neglected the Nobility. And by these degrees came the House of Commons to raise that head, which since has been so high and formidable to their Princes, that they have look'd pale upon those Assemblies. Nor was there any thing now wanting to the destruction of the Throne, but that the

T

People,

People, not apt to see their own strength, should be put to feel it; when a Prince, as stiff in disputes as the nerve of Monarchy was grown slack, receiv'd that unhappy encouragement from his Clergy which became his utter ruin, while trusting more to their Logic than the rough Philosophy of his Parliament, it came to an irreparable breach; for the House of Peers, which alone had stood in this gap, now sinking down between the King and the Commons, shew'd that CRASSUS was dead, and the *Isthmus* broken. But a Monarchy de-vested of its Nobility, has no refuge under Heaven but an Army. Wherefore the dissolution of this Government caus'd the War, not the War the dissolution of this Government.

OF the King's success with his Arms it is not necessary to give any further account, than that they prov'd as ineffectual as his Nobility; but without a Nobility or an Army (as has been shew'd) there can be no Monarchy. Wherefore what is there in nature that can arise out of these Ashes, but a popular Government, or a new Monarchy to be erected by the victorious Army?

TO erect a Monarchy, be it never so new, unless like LEVIATHAN you can hang it, as the Country-fellow speaks, by Geometry (for what else is it to say, that every other Man must give up his will to the will of this one Man without any other foundation?) it must stand upon old Principles, that is, upon a Nobility or an Army planted on a due balance of Dominion. *Aut viam inveniam aut faciam*, was an Adage of CÆSAR; and there is no standing for a Monarchy unless it finds this Balance, or makes it. If it finds it, the work's done to its hand: for, where there is inequality of Estates, there must be inequality of Power; and where there is inequality of Power, there can be no Common-wealth. To make it, the Sword must extirpate out of Dominion all other roots of Power, and plant an Army upon that ground. An Army may be planted Nationally or Provincially. To plant it Nationally, it must be in one of the four ways mention'd, that is, either Monarchically in part, as the *Roman Beneficarii*; or Monarchically in the whole, as the *Turkish Timariots*; Aristocratically, that is, by Earls and Barons, as the *Neustrians* were planted by TURBO; or Democratically, that is, by equal lots, as the Israelitish Army in the Land of *Canaan* by JOSHUA. In every one of these ways there must not only be Confiscations, but Confiscations to such a proportion as may answer to the work intended.

CONFISCATION of a People that never fought against you, but whose Arms you have born, and in which you have been victorious, and this upon premeditation, and in cold blood, I should have thought to be against any example in human Nature, but for those alledg'd by MACHIAVEL of AGATHOCLES, and OLIVERETTO di *Fermo*: the former whereof being Captain General of the *Syracusans*, upon a day assembl'd the Senate and the People, as if he had something to communicate with them, when at a sign given he cut the Senators in pieces to a man, and all the richest of the People, by which means he came to be King. The proceedings of OLIVERETTO in making himself Prince of *Fermo*, were somewhat different in circumstances, but of the same nature. Nevertheless CATILIN, who had a spirit equal to any of these in his intended mischief, could never bring the like to pass in *Rome*. The head of a small Common-wealth, such a one as was that of *Syracusa* or *Fermo*, is easily brought to the block;

block; but that a populous Nation, such as *Rome*, had not such a one, was the grief of *NERO*. If *SYLLA* or *CÆSAR* attain'd to be Princes, it was by Civil War, and such Civil War as yielded rich spoils, there being a vast Nobility to be confiscated; which also was the case in *Oceana*, when it yielded earth by Earldoms and Baronies to the *Neustrian*, for the plantation of his new Potentates. Where a Conqueror finds the Riches of a Land in the hands of the Few, the Forfeitures are easy, and amount to vast advantage; but where the People have equal shares, the Confiscation of many comes to little, and is not only dangerous, but fruitless.

THE *Romans* in one of their defeats of the *Volsci* found among the Captives certain *Tusculans*, who, upon examination, confess that the Arms they bore were by command of their State; whereupon information being given to the Senate by the General *CAMILLUS*, he was forthwith commanded to march against *Tusculum*; which doing accordingly, he found the *Tusculan* Fields full of Husbandmen, that stir'd not otherwise from the Plow, than to furnish his Army with all kind of Accomodations and Victuals: drawing near to the City, he saw the Gates wide open, the Magistrates coming out in their Gowns to salute and bid him welcome: entering, the Shops were all at work, and open; the Streets founded with the noise of School-boys at their Books; there was no face of War. Whereupon *CAMILLUS* causing the Senate to assemble, told them, That tho' the Art was understood, yet had they at length found out the true Arms whereby the *Romans* were most undoubtedly to be conquer'd, for which cause he would not anticipate the Senate, to which he desir'd them forthwith to send, which they did accordingly: and their Dictator with the rest of their Embassadors being found by the *Roman* Senators as they went into the house standing sadly at the door, were sent for in as Friends, and not as Enemies: Where the Dictator having said, If we have offended, the fault was not so great as is our Penitence and your Virtue; the Senate gave them peace forthwith, and soon after made the *Tusculans* Citizens of *Rome*.

BUT putting the case, of which the World is not able to shew an example, That the forfeiture of a populous Nation, not conquer'd, but Friends, and in cool blood, might be taken; your Army must be planted in one of the ways mention'd. To plant it in the way of absolute Monarchy, that is upon feuds for life, such as the *Timars*, a Country as large and fruitful as that of *Greece*, would afford you but sixteen thousand *Timariots*, for that is the most the *Turk* (being the best husband that ever was of this kind) makes of it at this day: and if *Oceana*, which is less in fruitfulness by one half, and in extent by three parts, should have no greater a force, whoever breaks her in one battle, may be sure she shall never rise; for such (as was noted by *MACHIAVEL*) is the nature of the *Turkish* Monarchy, if you break it in two battles, you have destroy'd its whole Militia; and the rest being all slaves, you hold it without any further resistance. Wherefore the erection of an absolute Monarchy in *Oceana*, or in any other Country that is no larger, without making it a certain prey to the first Invader, is altogether impossible.

TO plant by halves, as the *Roman* Emperors did their Beneficiaries, or military Colonies, it must be either for life; and this an Army of *Oceaners* in their own Country (especially having Estates of Inheritance)

tance) will never bear; because such an Army so planted is as well confiscated as the People; nor had the *Mamelucs* been contented with such usage in *Egypt*, but that they were Foreigners, and daring not to mix with the Natives, it was of absolute necessity to their being.

OR planting them upon Inheritance, whether Aristocratically as the *Neustrians*, or Democratically as the *Israelites*, they grow up by certain consequence into the national Interest: and this, if they be planted popularly, comes to a Common-wealth; if by way of Nobility, to a mix'd Monarchy, which of all other will be found to be the only kind of Monarchy, whereof this Nation, or any other that is of no greater extent, has been or can be capable: for if the *Israelites* (tho' their Democratical Balance, being fix'd by their Agrarian, stood firm) be yet found to have elected Kings, it was because, their Territory lying open, they were perpetually invaded, and being perpetually invaded, turn'd themselves to any thing, which thro' the want of experience they thought might be a remedy; whence their mistake in election of their Kings (under whom they gain'd nothing, but on the contrary lost all they had acquir'd by their Common-wealth, both Estates and Liberties) is not only apparent, but without parallel. And if there have been (as was shewn) a Kingdom of the *Goths* in *Spain*, and of the *Vandals* in *Asia*, consisting of a single Person and a Parliament (taking a Parliament to be a Council of the People only, without a Nobility) it is expressly said of those Councils, that they depos'd their Kings as often as they pleas'd: Nor can there be any other consequence of such a Government, seeing where there is a Council of the People, they do never receive Laws, but give them: and a Council giving Laws to a single Person, he has no means in the World whereby to be any more than a subordinate Magistrate, but force: in which case he is not a single Person, and a Parliament, but a single Person and an Army, which Army again must be planted as has been shewn, or can be of no long continuance.

IT is true, that the Provincial Balance being in nature quite contrary to the National, you are no way to plant a Provincial Army upon Dominion. But then you must have a native Territory in Strength, Situation, or Government, able to over-balance the foreign, or you can never hold it. That an Army should in any other case be long supported by a mere Tax, is a mere phanfy as void of all reason and experience, as if a Man should think to maintain such a one by robbing of Orchards: for a mere Tax is but pulling of Plumtrees, the roots whereof are in other Men's grounds, who suffering perpetual Violence, come to hate the Author of it: And it is a Maxim, that no Prince that is hated by his People can be safe. Arms planted upon Dominion extirpate Enemies, and make Friends; but maintain'd by a mere Tax, have Enemies that have roots, and Friends that have none.

TO conclude, *Oceana*, or any other Nation of no greater extent, must have a competent Nobility, or is altogether incapable of Monarchy: for where there is equality of Estates, there must be equality of Power; and where there is equality of Power, there can be no Monarchy.

*The generation
of the Common-
wealth.*

TO come then to the generation of the Common-wealth; it has been shewn how thro' the ways and means us'd by *PANURGUS* to abase the Nobility, and so to mend that flaw which we have asserted to be incurable in this kind of Constitution, he suffer'd the Balance to fall into

into the power of the People, and so broke the Government: but the Balance being in the People, the Common-wealth (tho' they do not see it) is already in the nature of * them. There wants nothing else but Time (which is slow and dangerous) or Art (which would be more quick and secure) for the bringing those native Arms (wherewithal they are found already) to resist they know not how every thing that opposes them, to such maturity as may fix them upon their own strength and bottom.

BUT whereas this Art is Prudence; and that part of Prudence which regards the present Work, is nothing else but the skill of raising such Superstructures of Government, as are natural to the known Foundations: they never mind the Foundation, but thro' certain animosities (wherewith by striving one against another they are infected) or thro' freaks, by which, not regarding the course of things, nor how they conduce to their purpose, they are given to building in the Air, come to be divided and subdivided into endless Parties and Factions, both Civil and Ecclesiastical: which briefly to open, I shall first speak of the People in general, and then of their Divisions.

What Prudence is.

A P E O P L E (says MACHIAVEL) that is corrupt, is not capable of a Common-wealth. But in shewing what a corrupt People is, he has either involv'd himself or me; nor can I otherwise come out of the Labyrinth, than by saying, that the Balance altering a People, as to the foregoing Government, must of necessity be corrupt: but Corruption in this sense signifies no more than that the Corruption of one Government (as in natural Bodies) is the Generation of another. Wherefore if the Balance alters from Monarchy, the Corruption of the People in this case is that which makes them capable of a Common-wealth. But whereas I am not Ignorant, that the Corruption which he means is in Manners, this also is from the Balance. For the Balance leading from Monarchical into Popular, abates the Luxury of the Nobility, and, enriching the People, brings the Government from a more private to a more public Interest; which coming nearer, as has been shewn, to Justice and right Reason, the People upon a like alteration is so far from such a Corruption of Manners, as should render them incapable of a Common-wealth, that of necessity they must thereby contract such a Reformation of Manners as will bear no other kind of Government. On the other side, where the Balance changes from Popular to Oligarchical or Monarchical, the public Interest, with the Reason and Justice included in the same, becomes more private; Luxury is introduc'd in the room of Temperance, and Servitude in that of Freedom; which causes such a corruption of Manners both in the Nobility and People, as, by the Example of *Rome* in the time of the *Triumvirs*, is more at large discover'd by the Author to have been altogether incapable of a Common-wealth.

BUT the Balance of *Oceana* changing quite contrary to that of *Rome*, the Manners of the People were not thereby corrupted, but on the contrary adapted to a Common-wealth. For differences of Opinion in a People not rightly inform'd of their Balance, or a division into Parties (while there is not any common Ligament of Power suffi-

* Cornua nota prius vitulo, quàm frontibus extant.

cient to reconcile or hold them) is no sufficient proof of Corruption. Nevertheless, seeing this must needs be matter of scandal and danger, it will not be amiss, in shewing what were the Parties, to shew what were their Errors.

THE Parties into which this Nation was divided, were Temporal, or Spiritual: and the Temporal Parties were especially two, the one *Royalists*, the other *Republicans*: each of which asserted their different Causes, either out of Prudence or Ignorance, out of Interest or Conscience.

The Royalist.

FOR Prudence, either that of the Antients is inferior to the Modern (which we have hitherto been setting face to face, that any one may judge) or that of the Royalist must be inferior to that of the Common-wealthsman. And for Interest, taking the Common-wealthsman to have really intended the Public (for otherwise he is a Hypocrite and the worst of Men) that of the Royalist must of necessity have been more private. Wherefore the whole dispute will come upon matter of Conscience; and this, whether it be urg'd by the Right of Kings, the Obligation of former Laws, or of the Oath of Allegiance, is absolv'd by the Balance.

FOR if the Right of Kings were as immediately deriv'd from the Breath of God as the life of Man, yet this excludes not Death and Dissolution. But, that the dissolution of the late Monarchy was as natural as the Death of a Man, has been already shewn. Wherefore it remains with the Royalists to discover by what Reason or Experience it is possible for a Monarchy to stand upon a popular Balance; or, the Balance being popular, as well the Oath of Allegiance, as all other Monarchical Laws imply an impossibility, and are therefore void.

The Common-wealthsman.

TO the Common-wealthsman I have no more to say, but that if he excludes any Party, he is not truly such; nor shall ever found a Common-wealth upon the natural Principle of the same, which is Justice. And the Royalist for having oppos'd a Common-wealth in *Oceana* (where the Laws were so ambiguous that they might be eternally disputed, and never reconcil'd) can neither be justly for that cause excluded from his full and equal share in the Government; nor prudently, for this reason, that a Common-wealth consisting of a Party will be in perpetual labour of her own destruction: Whence it was that the *Romans* having conquer'd the *Albans*, incorporated them with equal Right into the Common-wealth. And if the Royalists be *flesh of your flesh*, and nearer of Blood than were the *Albans* to the *Romans*, you being also both Christians, the Argument's the stronger. Nevertheless there is no reason that a Common-wealth should any more favour a Party remaining in fix'd opposition against it, than *BRUTUS* did his own Sons. But if it fixes them upon that opposition, it is its own fault, not theirs; and this is done by excluding them. Men that have equal Possessions, and the same security for their Estates and their Liberties that you have, have the same cause with you to defend both: But if you will be trampling, they fight for Liberty, tho' for Monarchy; and you for Tyranny, tho' under the name of a Common-wealth: The nature of Orders in a Government rightly instituted being void of all jealousy, because, let the Parties which it imbraces be what they will, its Orders are such as they neither would resist if they could,

could, nor could if they would, as has been partly already shewn; and will appear more at large by the following Model.

THE Parties that are Spiritual are of more kinds than I need mention; some for a National Religion, and others for Liberty of Con-^{Religious Par-}science, with such animosity on both sides, as if these two could not consist together, and of which I have already sufficiently spoken, to shew, that indeed the one cannot well subsist without the other. But they of all the rest are the most dangerous, who, holding that the Saints must govern, go about to reduce the Common-wealth to a Party, as well for the Reasons already shewn, as that their Pretences are against Scripture, where the Saints are commanded to submit to the Higher Powers, and to be subject to the Ordinance of Man. And that Men, pretending under the notion of Saints or Religion to Civil Power, have hitherto never fail'd to dishonour that Profession, the World is full of Examples, whereof I shall confine my self at present only to a couple, the one of Old, the other of New Rome.

IN Old Rome the Patricians or Nobility pretending to be the godly^{Saints.} Party, were question'd by the People for ingrossing all the Magistracies of that Common-wealth, and had nothing to say why they did so, but * that Magistracy requir'd a kind of Holiness which was not in the People: † at which the People were fill'd with such Indignation as had come to cutting of Throats, if the Nobility had not immediately laid by the Insolency of that Plea; which nevertheless when they had done, the People for a long time after continu'd to elect no other but Patrician Magistrates.

THE Example of New Rome in the rise and practice of the Hierarchy (too well known to require any further illustration) is far more immodest.

THIS has been the course of Nature: And when it has pleas'd, or shall please God to introduce any thing that is above the course of Nature, he will, as he has always done, confirm it by Miracle; for so in his Prophecy of the Reign of CHRIST upon Earth, he expressly promises: seeing that *the Souls of them that were beheaded for JESUS, shall be seen to live and reign with him*; which will be an object of Sense, the rather, because the rest of the Dead are not to live again till the thousand Years be finish'd. And it is not lawful for Men to persuade us that a thing already is, tho' there be no such object of our Sense, which God has told us shall not be till it be an object of our Sense.

THE Saintship of a People as to Government, consists in the election of Magistrates fearing God, and hating Covetousness, and not in their confining themselves, or being confin'd to Men of this or that Party or Profession. It consists in making the most prudent and religious choice they can; yet not in trusting to Men, but, next God, to their own Orders. *Give us good Men, and they will make us good Laws*, is the Maxim of a Demagog, and is (thro' the alteration which is commonly perceivable in Men, when they have power to work their own Wills) exceeding fallible. But *give us good Orders, and they*

* Quod nemo plebeius auspicia haberet. † Plebs ad id maxima indignatione exarsit, quod auspicari, tanquam invisi Diis immortalibus, negarentur posse. T. Liv. 4. 8.

will make us good Men, is the Maxim of a Legislator, and the most infallible in the Politicks.

*The Errors of
the People are
from their Go-
vernors.*

BUT these Divisions (however there be some good Men that look sadly on them) are trivial things; first as to the Civil concern, because the Government, whereof this Nation is capable, being once seen, takes in all Interests. And, secondly, as to the Spiritual; because as the pretence of Religion has always been turbulent in broken Governments, so where the Government has been sound and steady, Religion has never shew'd itself with any other face than that of the natural Sweetness, and Tranquillity: Nor is there any reason why it should; wherefore the Errors of the People are occasion'd by their Governors. If they be doubtful of the way, or wander from it, it is because their Guides mislead them; and the Guides of the People are never so well qualified for leading by any Virtue of their own, as by that of the Government.

THE Government of *Oceana*, (as it stood at the time whereof we discourse, consisting of one single Council of the People, exclusively of the King and the Lords) was call'd a Parliament: Nevertheless the Parliaments of the *Teutons* and of the *Neustrians* consisted, as has been shewn, of the King, Lords and Commons; wherefore this under an old Name was a new thing: A Parliament consisting of a single Assembly elected by the People, and invested with the whole Power of the Government, without any Covenants, Conditions, or Orders whatsoever. So new a thing, that neither antient nor modern Prudence can shew any avow'd Example of the like. And there is scarce any thing that seems to me so strange as that (whereas there was nothing more familiar with these Counsellors, than to bring the Scripture to the House) there should not be a Man of them that so much as offer'd to bring the House to the Scripture, wherein, as has been shewn, is contain'd that Original, whereof all the rest of the Common-wealths seem to be Copies. Certainly if LEVIATHAN (who is surer of nothing than that a popular Common-wealth consists but of one Council) transcrib'd his Doctrine out of this Assembly, for him to except against ARISTOTLE and CICERO for writing out of their own Common-wealths, was not so fair play; or if the Parliament transcrib'd out of him, it had been an honour better due to MOSES. But where one of them should have an Example but from the other, I cannot imagine, there being nothing of this kind that I can find in story, but the Oligarchy of *Athens*, the thirty Tyrants of the same, and the *Roman Decemvirs*.

Lib. 8.

FOR the *Oligarchy*, THUCYDIDES tells us, that it was a Senate or Council of Four hundred, pretending to a Balancing Council of the People consisting of Five thousand, but not producing them; wherein you have the definition of an *Oligarchy*, which is a single Council both debating and resolving, dividing and choosing; and what that must come to, was shewn by the Example of the *Girles*, and is apparent by the experience of all times: Wherefore the Thirty set up by the *Lacedemonians* (when they had conquer'd *Athens*) are call'd Tyrants by all Authors, LEVIATHAN only excepted, who will have them against all the World to have been an *Aristocracy*; but for what reason I cannot imagine, these also, as void of any Balance, having been void of that which is essential to every Common-wealth, whether Aristocratical or Popular;

Popular ; except he be pleas'd with them, because that, according to the Testimony of XENOPHON, they kill'd more men in eight months, than the *Lacedemonians* had done in ten years ; *oppressing the People* (to use Sir WALTER RALEIGH's words) *with all base and intolerable Slavery.*

THE usurp'd Government of the *Decemvirs* in *Rome* was of the same kind. Wherefore in the fear of God let Christian Legislators (setting the Pattern given in the Mount on the one side, and these execrable Examples on the other) know the right hand from the left ; and so much the rather, because those things which do not conduce to the good of the Govern'd, are fallacious, if they appear to be good for the Governors. God in chastising a People, is accustom'd to burn his Rod. The Empire of those Oligarchies was not so violent as short, nor did they fall upon the People, but in their own immediate ruin. A Council without a Balance is not a Common-wealth, but an Oligarchy ; and every Oligarchy, except it be put to the defence of its Wickedness or Power against some outward danger, is factious. Wherefore the Errors of the People being from their Governors (which Maxim in the Politics bearing a sufficient testimony to it self, is also prov'd by MACHIAVEL) if the People of *Oceana* have been factious, the Cause is apparent : But what Remedy ?

IN answer to this Question, I come now to the Army ; of which *The General.* the most victorious Captain, and incomparable Patriot OLPHAUS MEGALETOR was now General : who being a much greater master of that Art, whereof I have made a rough draught in these Preliminaries, had such sad reflections upon the ways and proceedings of the Parliament, as cast him upon Books, and all other means of diversion, among which he happen'd on this place of MACHIAVEL : " Thrice " happy is that People which chances to have a Man able to give " them such a Government at once, as without alteration may " cure them of their Liberties ; seeing it is certain that *Lacedemon*, in " observing the Laws of LYCURGUS, continu'd about eight hundred " years without any dangerous Tumult or Corruption. My Lord General (as it is said of THEMISTOCLES, that he could not sleep for the Glory obtain'd by MILTIADES at the Battle of *Maratbo*) took so new and deep an Impression at these words of the much greater Glory of LYCURGUS, that, being on this side assaulted with the emulation of his illustrious Object, and on the other with the Misery of the Nation, which seem'd (as it were ruin'd by his Victory) to cast it self at his feet, he was almost wholly depriv'd of his natural rest, till the debate he had within himself came to a firm resolution, that the greatest Advantages of a Common-wealth are, first, that the Legislator should be one Man : And, secondly, that the Government should be made altogether, or at once. For the first, It is certain, says *Def. B. 1. c. 9.* MACHIAVEL, that a Common-wealth is seldom or never well turn'd or constituted, except it has been the Work of one Man ; for which *That a Legisla-* cause a wise Legislator, and one whose mind is firmly set, not upon *tor it to be one.* private but the public Interest, not upon his Posterity but upon his Country, may justly endeavour to get the sovereign Power into his own hands : nor shall any man that is Master of Reason blame such extraordinary means as in that case will be necessary, the end proving no other than the Constitution of a well-order'd Common-wealth. The

That a Common-wealth is to be made at once.

reason of this demonstrable: for the ordinary means not failing, the Common-wealth has no need of a Legislator; but the ordinary means failing, there is no recourse to be had but to such as are extraordinary. And, whereas a Book or a Building has not been known to attain to its perfection, if it has not had a sole Author or Architect; a Common-wealth, as to the Fabric of it, is of the like nature. And thus it may be made at once; in which there be great advantages: for a Common-wealth made at once, takes Security at the same time it lends its Money; and trusts not it self to the Faith of Men, but launches immediately forth into the Empire of Laws: and being set straight, brings the Manners of its Citizens to its rule; whence follow'd that uprightness which was in *Lacedemon*. But Manners that are rooted in men, bow the tenderness of a Common-wealth coming up by twigs to their bent; whence follow'd the obliquity that was in *Rome*, and those perpetual Repairs by the Consuls Axes, and Tribunes Hammers, which could never finish that Common-wealth but in destruction.

MY Lord General being clear in these Points, and of the necessity of some other course than would be thought upon by the Parliament, appointed a meeting of the Army, where he spoke his sense agreeable to these Preliminaries with such success to the Soldiery, that the Parliament was soon after depos'd; and he himself (in the great Hall of the *Pantheon* or Palace of Justice, situated in *Emporium* the capital City) was created by the universal Suffrage of the Army, Lord ARCHON, or sole Legislator of *Oceana*: upon which Theatre you have, to conclude this piece, a Person introduc'd, whose fame shall never draw its curtain.

THE Lord ARCHON being created, fifty select Persons to assist him (by labouring in the Mines of antient Prudence, and bringing its hidden Treasures to new light) were added, with the stile also of *Legislators*, and sat as a Council, whereof he was the sole Director and President.

The Council of Legislators.

OF this piece, being the greater half of the whole work, I shall be able at this time to give no farther account, than very briefly to shew at what it aims.

MY Lord ARCHON in opening the Council of Legislators, made it appear how unsafe a thing it is to follow Phanfy in the Fabric of a Common-wealth; and how necessary that the Archives of antient Prudence should be ranfack'd before any Counsellor should presume to offer any other matter in order to the work in hand, or towards the confideration to be had by the Council upon a Model of Government. Wherefore he caus'd an Urn to be brought, and every one of the Counsellors to draw a Lot. By the Lots as they were drawn,

The Common-wealth of	{	ISRAEL	}	fell to	{	PHOSPHORUS DE AUGÉ.
		ATHENS				NAVARCHUS DE PARALO.
		LACEDEMON				LACO DE SCYTALE.
		CARTHAGE				MAGO DE SYRTIBUS.
		the ACHEANS,				
		ÆTOLIANS, and				ARATUS DE ISTHMO.
		LYCIANS				
		the SWITZ				ALPESTER DE FULMINE.
		HOLLAND, and the				
		UNITED PRO-				GLAUCUS DE ULNA.
		VINCES				
		ROME				DOLABEDLA DE ENYO.
		VENICE				LYNCEUS DE STELLA.

THESE contain'd in them all those Excellences whereof a Common-wealth is capable; so that to have added more, had been to no purpose. Upon time given to the Counsellors, by their own Studies and those of their Friends, to prepare themselves, they were open'd in the Order, and by the Persons mention'd at the Council of Legislators; and afterwards by order of the same were repeated at the Council of the *Prytans* to the People: for in drawing of the Lots, there were about a dozen of them inscrib'd with the letter P. whereby the Counsellors that drew them became *Prytans*.

THE *Prytans* were a Committee or Council sitting in the great Hall of *Panttheon*, to whom it was lawful for any man to offer any thing in order to the Fabrick of the Common-wealth: for which cause, that they might not be oppress'd by the throng, there was a Rail about the Table where they sat, and on each side of the same a Pulpit; that on the right hand for any man that would propose any thing, and that on the left for any other that would oppose him. And all Parties (being indemnify'd by Proclamation of the ARCHON) were invited to dispute their own Interests, or propose whatever they thought fit (in order to the future Government) to the Council of the *Prytans*, who (having a Guard of about two or three hundred men, lest the heat of dispute might break the peace) had the Right of Moderators, and were to report

report from time to time such Propositions or Occurrences as they thought fit, to the Council of Legislators sitting more privately in the Palace call'd *Alma*.

THIS was that which made the People (who were neither safely to be admitted, nor conveniently to be excluded in the framing of the Common-wealth) verily believe when it came forth, that it was no other than that whereof they themselves had been the makers.

MOREOVER, this Council sat divers months after the publishing, and during the promulgation of the Model to the People; by which means there is scarce any thing was said or written for or against the said Model, but you shall have it with the next impression of this work by way of Oration addrest to, and moderated by the *Prytans*.

BY this means the Council of Legislators had their necessary Solitude and due aim in their greater work, as being acquainted from time to time with the pulse of the People, and yet without any manner of interruption or disturbance.

WHEREFORE every Common-wealth in its place having been open'd by due Method; that is, First, by the People; Secondly, by the Senate; And, Thirdly, by the Magistracy: The Council upon mature debate took such results or orders out of each, and out of every part of each of them, as upon opening the same they thought fit; which being put from time to time in writing by the Clerk or Secretary, there remain'd no more in the Conclusion, than putting the Orders so taken together, to view and examine them with a diligent Eye, that it might be clearly discover'd whether they did interfere, or could any wise come to interfere or jostle one with the other. For as such Orders jostling, or coming to jostle one another, are the certain dissolution of the Common-wealth; so taken upon the proof of like experience, and neither jostling, nor shewing which way they can possibly come to jostle one another, they make a perfect, and (for ought that in human Prudence can be foreseen) an immortal Common-wealth.

AND such was the Art whereby my Lord ARCHON (taking Counsel of the Common-wealth of *Israel*, as of *MOSES*; and of the rest of the Common-wealths, as of *JETHRO*) fram'd the Model of the Common-wealth of *Oceana*.

T H E

M O D E L

O F T H E

Common-wealth of O C E A N A.

WHEREAS my Lord ARCHON being from MOSES and LYCURGUS the first Legislator, that hitherto is found in History to have introduc'd, or erected an entire Commonwealth at once, happen'd, like them also, to be more intent upon putting the same into execution or action, than into writing; by which means the Model came to be promulgated or publish'd with more brevity and less illustration than is necessary for their understanding, who have not been acquainted with the whole Proceedings of the Council of Legislators, and of the *Prytans*, where it was asserted and clear'd from all objections and doubts: To the end that I may supply what was wanting in the promulgated Epitome to a more full and perfect Narrative of the whole, I shall rather take the Common-wealth practically, and as it has now given an account of it self in some years Revolutions Suidas. (as DICEARCHUS is said to have done that of *Lacedemon*, first transcrib'd by his hand some three or four hundred years after the Institution) yet not omitting to add for proof to every Order such Debates and Speeches of the Legislators in their Council, or at least such parts of them as may best discover the reason of the Government; nor such ways and means as were us'd in the institution or rise of the Building, not to be so well conceiv'd, without some knowledge given of the Engins wherewithal the mighty Weight was mov'd. But thro' the entire omission of the Council of Legislators or Workmen, that squar'd every stone to this Structure in the Quarries of antient Prudence, the proof of the first part of this Discourse will be lame, except I insert, as well for illustration, as to avoid frequent repetition, three remarkable Testimonies in this place.

THE first is taken out of the Common-wealth of *Israel*: So MOSES Exod. 18. 24. *hearken'd to the voice of (JETHRO) his Father in law, and did all that he had said. And MOSES chose able men out of all Israel, and* Numb. 1. 16. *made them heads over the People; Tribunes, as it is in the vulgar Latin; or Phylarchs, that is, Princes of the Tribes, sitting upon twelve* * *Thrones* Matth. and judging the twelve Tribes of *Israel*: and next to these he chose Rulers of Thousands, Rulers of Hundreds, Rulers of Fifties, and Rulers of Tens, which were the steps or rise of this Common-wealth from its foundation or root to its proper elevation or accomplishment in the *Sanbedrim*, and the Congregation, already open'd in the Preliminaries.

* Sellis Curulibus. *Grot.*

THE Second is taken out of *Lacedemon*, as *LYCURGUS* (for the greater impresson of his Institutions upon the minds of his Citizens) pretended to have receiv'd the Model of that Common-wealth from the Oracle of *APOLLO* at *Delphos*, the words whereof are thus recorded by *PLUTARCH* in the Life of that famous Legislator: ' When thou shalt have divided the People into Tribes (which were six) and *Obas* (which were five in every Tribe) thou shalt constitute the Senate, consisting, with the two Kings, of thirty Counsellors, who, according as occasion requires, shall cause the Congregation to be assembled between the Bridge and the River *Gnacion*, where the Senate shall propose to the People, and dismiss them without suffering them to debate. The *Obas* were Linages into which every Tribe was divided, and in each Tribe there was another Division containing all those of the same that were of military Age; which being call the *Mora*, was subdivided into Troops and Companies that were held in perpetual Discipline under the Command of a Magistrate call'd the *Polemarch*.

Crag. de Rep.
Lac. lib. 1. c. 6.

Halicar.

THE Third is taken out of the Common-wealth of *Rome*, or those parts of it which are compriz'd in the first and second Books of *LIVY* where the People, according to the institution by *ROMULUS*, are first divided into thirty *Curias* or Parishes, whereof he elected (by three out of each *Curia*) the Senate, which from his Reign to that of *SERVIUS TULLUS* propos'd to the Parishes or Parochial Congregations; and these being call'd the *Comitia Curiata*, had the election of the * Kings the Confirmation of their † Laws, and the last appeal in matters of Judicature, as appears in the case of *HORATIUS* that kill'd his Sister; till in the Reign of *SERVIUS* (for the other Kings kept not to the institution of *ROMULUS*) the People being grown somewhat, the Power of the *Curiata* was for the greater part translated to the *Centuriata Comitia* instituted by this King, which distributed the People according to the cense or valuation of their Estates into six Classes, every one containing about forty Centuries, divided into Youth and Elders; the Youth for field-service, the Elders for the defence of their Territory, all arm'd and under continual Discipline, in which they assembl'd both upon military and civil occasions. But when the Senate propos'd to the People, the Horse only, whereof there were twelve Centuries consisting of the richest sort over and above those of the Foot enumerated, were call'd with the first Classis of the Foot to the suffrage; or if these accorded not, then the second Classis was call'd to them, but seldom or never any of the rest. Wherefore the People after the expulsion of the Kings, growing impatient of this inequality, rested not till they had reduc'd the suffrage as it had been in the *Comitia Curiata* to the whole People again: But in another way, that is to say, by the *Comitia Tributa*, which thereupon were instituted, being a Council where the People in exigencies made Laws without the Senate; which Laws were call'd *Plebiscita*. This Council is that in regard whereof *CICERO* and other great Wits so frequently inveigh against the People, and sometimes even *LIVY*, as at the first || institution of it. To say the truth, it was a kind of Anarchy, whereof the People could not

* Quirites, Regem create; ita patribus visum est: Tullum Hostilium Regem Populus jussit, Patres auctores facti. † Ut ab Romulo traditum, suffragium viritim eadem vi, eodemque jure omnibus datum est. || Hunc annum insignem maximè *Comitia Tributa* efficiunt; res major victoriâ suscepti certaminis quam usu, plus enim dignitatis Comitibus ipsis detractum est, patribus ex Concilio submovendis, quam virium aut plebi additum aut dentum patribus.

be excusable, if there had not, thro' the Courses taken by the Senate, been otherwise a necessity that they must have seen the Commonwealth run into Oligarchy.

THE manner how the *Comitia Curiata, Centuriata, or Tributa* Sigonius. were call'd, during the time of the Commonwealth, to the suffrage, was by lot: the *Curia*, Century, or Tribe, whereon the first lot fell, being stil'd *Principium*, or the Prerogative; and the other *Curiae*, Centuries, or Tribes, whereon the second, third, and fourth Lots, &c. fell, the *Jure vocatæ*: From henceforth not the first Classis, as in the times of *Servius*, but the Prerogative, whether *Curia*, Century, or Tribe, came first to the Suffrage, whose Vote was call'd *Omen Prærogativum*, and seldom fail'd to be leading to the rest of the Tribes. The *Jure vocatæ* in the order of their Lots came next: The manner of giving suffrage was, by casting wooden Tablets, mark'd for the Affirmative or the Negative, into certain Urns standing upon a Scaffold, as they march'd over it in files; which for the resemblance it bore, was call'd the Bridge. The Candidate or Competitor, who had most Suffrages in a *Curia*, Century, or Tribe, was said to have that *Curia*, Century, or Tribe; and he who had most of the *Curiae*, Centuries, or Tribes, carry'd the Magistracy.

THESE three places being premis'd, as such upon which there will be frequent reflection, I come to the Narrative, divided into two parts, the first containing the Institution, the second the Constitution of the Commonwealth; in each whereof I shall distinguish the Orders, as those which contain the whole Model, from the rest of the Discourse, which tends only to the explanation or proof of them.

IN the institution or building of a Commonwealth, the first work Institution of the Commonwealth. (as that of Builders) can be no other than fitting and distributing the Materials.

THE Materials of a Commonwealth are the People; and the People of *Oceana* were distributed by casting them into certain Divisions, Divisions of the People. regarding their Quality, their Age, their Wealth, and the places of their residence or habitation, which was done by the ensuing Orders.

THE first ORDER distributes the People into Freemen or Citizens, and Servants, while such; for if they attain to Liberty, that is, to live of themselves, they are Freemen or Citizens. 1. Order. Into Freemen and Servants.

THIS Order needs no proof, in regard of the nature of Servitude, which is inconsistent with Freedom or participation of Government in a Commonwealth.

THE second ORDER distributes Citizens into Youth and Elders 2. Order. Into Youth and Elders. (such as are from 18 years of age to 30, being accounted Youth; and such as are of 30 and upwards, Elders) and establishes that the Youth shall be the marching Armies, and the Elders the standing Garrisons of this Nation.

A COMMON-WEALTH whose Arms are in the hands of her Servants, had need be situated (as is elegantly said of *Venice* by * *CONTARINI*) out of the reach of their clutches; witness the

* Lontana della fede degli huomini.

danger run by that of *Carthage* in the Rebellion of SPENDIUS and MATHO. But tho' a City (if one Swallow makes a Summer) may thus chance to be safe, yet shall it never be great; for if *Carthage* or *Venice* acquir'd any Fame in their Arms, it is known to have happen'd thro' the meer virtue of their Captains, and not of their Orders: wherefore *Israel*, *Lacedemon*, and *Rome* intail'd their Arms upon the prime of their Citizens, divided (at least in *Lacedemon* and *Rome*) into Youth and Elders; the Youth for the Field, and the Elders for defence of their Territory,

3. Order.
into Horse and
Foot.

THE third ORDER distributes the Citizens into Horse and Foot by the cense or valuation of their Estates; they who have above one hundred Pounds a year in Lands, Goods, or Moneys, being oblig'd to be of the Horse; and they who have under that Sum, to be of the Foot. But if a man has prodigally wasted and spent his Patrimony, he is neither capable of Magistracy, Office, or Suffrage in the Commonwealth.

CITIZENS are not only to defend the Common-wealth, but according to their abilities, as the *Romans* under SERVIUS TULLUS (regard had to their Estates) were some enrol'd in the Horse Centuries, and others of the Foot, with Arms injoin'd accordingly; nor could it be otherwise in the rest of the Common-wealths, tho' out of Historical Remains, that are so much darker, it be not so clearly proveable. And the necessary Prerogative to be given by a Common-wealth to Estates, is in some measure in the nature of Industry, and the use of it to the Public. * *Roman People*, says JULIUS EXUPERANTIUS, were divided into Classes, and tax'd according to the value of their Estates. All that were worth the Sums appointed were employ'd in the Wars; for they most eagerly contend for the Victory, who fight for Liberty in defence of their Country and Possessions. But the poorer sort were pol'd only for their Heads (which was all they had) and kept in Garrison at home in time of War: For these might betray the Armies for Bread, by reason of their Poverty; which is the reason that MARIUS, to whom the care of the Government ought not to have been committed, was the first that led'em into the field; and his Success was accordingly. There is a mean in things; as exorbitant Riches overthrow the Balance of a Common-wealth, so extreme Poverty cannot hold it, nor is by any means to be trusted with it. The Clause in the Order concerning the Prodigal is *Athenian*, and a very laudable one; for he that could not live upon his Patrimony, if he comes to touch the publick Money, makes a Common-wealth Bankrupt.

4. Order.
Into Parishes,
Hundreds, and
Tribes.

THE fourth ORDER distributes the People according to the places of their Habitation, into Parishes, Hundreds, and Tribes.

For except the People be methodically distributed, they cannot be methodically collected; but the being of a Common-wealth consists in the methodical Collection of the People: wherefore you have the

* Populus Romanus per Classes divisus erat, & pro Patrimonii facultate censebantur; ex iis, omnes quibus res erat, ad militiam ducebantur; diligenter enim pro victoria laborabant, qui ex libertate bona patriam defendebant: Illi autem quibus nullæ opes erant, caput suum, quod solum possidebant, censebantur, & belli tempore in mœnibus residebant; facile enim poterant existere proditores, quia egestas haud facile habetur sine damno. Hos igitur Marius, quibus non fuerat Resp. committenda, duxit ad bellum.

Israelitish Divisions into Rulers of Thousands, of Hundreds, of Fifties, and of Tens; and of the whole Common-wealth into Tribes: The *Laconic* into *Obas*, *Moras*, and Tribes: the *Roman* into Tribes, Centuries and Classes: and something there must of necessity be in every Government of the like nature; as that in the late Monarchy, by Counties. But this being the only institution in *Oceana* (except that of the Agrarian) which requir'd any charge, or included any difficulty, engages me to a more particular Description of the manner how it was perform'd, as follows.

A THOUSAND Surveyors commissioned and instructed by the Lord ARCHON and the Council, being divided into two equal numbers, each under the inspection of two Surveyors General, were distributed into the Northern and Southern parts of the Territory, divided by the River *Hemijua*, the whole whereof contains about ten thousand Parishes, some ten of those being assign'd to each Surveyor: For as to this matter there needed no great exactness, it tending only (by shewing whither every one was to repair, and whereabout to begin) to the more orderly carrying on of the work; the nature of their Instructions otherwise regarding rather the number of the Inhabitants than of the Parishes. The Surveyors therefore being every one furnish'd with a convenient proportion of Urns, Balls and balloting Boxes (in the use whereof they had been formerly exercis'd) and now arriving each at his respective Parishes, began with the People, by teaching them their first lesson, which was the Ballot; and tho' they found them in the beginning something froward as at toys, with which (while they were in expectation of greater matters from a Council of Legislators) they conceiv'd themselves to be abus'd, they came within a little while to think them pretty sport, and at length such as might very soberly be us'd in good earnest: whereupon the Surveyors began the Institution included in

THE fifth ORDER, requiring, That upon the first Monday next ensuing the last of *December*, the bigger Bell in every Parish throughout the Nation be rung at eight of the Clock in the morning, and continue ringing for the space of one hour; and that all the Elders of the Parish respectively repair to the Church, before the Bell has done ringing; where dividing themselves into two equal Numbers, or as near equal as may be, they shall take their places according to their Dignities (if they be of divers qualities) and according to their Seniority (if they be of the same) the one half on the one side, and the other half on the other, in the body of the Church: which done, they shall make Oath to the Overseers of the Parish for the time being (*instead of these the Surveyors were to officiate at the institution or first Assembly*) by holding up their hands, to make a fair Election according to the Laws of the Ballot, as they are hereafter explain'd, of such Persons, amounting to a fifth part of their whole number, to be their Deputies, and to exercise their Power in manner hereafter explain'd, as they shall think in their Consciences to be fittest for that trust, and will acquit themselves of it to the best advantage of the Common-wealth. And Oath being thus made, they shall proceed to Election, if the Elders of the Parish amount to one thousand by the Ballot of the Tribe (*as it is in due place explain'd*) and if the Elders of the Parish amount to fifty or upwards, but within the number of one thousand, by the Ballot of the hundred (*as it is in due place explain'd*). But if the Elders amount not to fifty, then they

5. Order.
*Institution of
the Parishes, of
the Ballot,
and of the De-
puties.*

shall proceed to the Ballot of the Parish, as it is in this place and after this manner explain'd. The two overseers for the time being shall seat themselves at the upper end of the middle Ally, with a Table before them, their faces being towards the Congregation: And the Constable for the time being shall set an Urn before the Table, into which he shall put so many Balls as there be Elders present, whereof there shall be one that is gilded, the rest being white; and when the Constable has shaken the Urn sufficiently to mix the Balls, the Overseers shall call the Elders to the Urn, who from each side of the Church shall come up the middle Ally in two files, every man passing by the Urn, and drawing out one Ball; which if it be Silver, he shall cast into a Bowl standing at the foot of the Urn, and return by the outward Ally on his side to his place. But he who draws the golden Ball is the Proposer, and shall be seated between the Overseers, where he shall begin in what order he pleases, and name such as (upon his Oath already taken) he conceives fittest to be chosen, one by one, to the Elders; and the Party nam'd shall withdraw, while the Congregation is balloting his name by the double Box or Boxes appointed and mark'd on the the outward part, to shew which side is Affirmative and which Negative, being carry'd by a Boy or Boys appointed by the Overseers, to every one of the Elders, who shall hold up a pellet made of linen Rags, between his Finger and his Thumb, and put it after such a manner into the Box, as tho' no man can see into which side he puts it, yet any man may see that he puts in but one pellet or suffrage. And the suffrage of the Congregation being thus given, shall be return'd with the Box or Boxes to the Overseers, who opening the same, shall pour the affirmative Balls into a white Bowl standing upon the Table on the right hand, to be number'd by the first Overseer; and the Negative into a green Bowl standing on the left hand, to be number'd by the second Overseer: and the suffrages being number'd, he who has the major part in the Affirmative is one of the Deputies of the Parish: and when so many Deputies are chosen as amount to a full fifth part of the whole number of the Elders, the Ballot for that time shall cease. The Deputies being chosen are to be listed by the Overseers in order as they were chosen, except only that such as are Horse must be listed in the first place with the rest, proportionable to the number of the Congregation, after this manner.

Anno Dom.

The List of the first Mover.

A. A. Ord. Eq.	1 Dep.	} of the Parish of——in the Hundred of——and the Tribe of——which Parish at the present Election contains 20 Elders, whereof one is of the Horse or Equestrian Order.
B. B.	2 Dep.	
C. C.	3 Dep.	
D. D.	4 Dep.	
E. E.	5 Dep.	

The first and second in the List are Overseers by consequence: the third is the Constable, and the fourth and fifth are Church-wardens; the Persons so chosen are Deputies of the Parish for the space of one year from their Election, and no longer; nor may they be elected two years together. This List being the *Primum Mobile*, or first Mover of the Common-wealth, is to be register'd in a Book diligently kept and preserv'd by the Overseers, who are responsible in their places for these and other Duties to be hereafter mention'd, to the Censors of the Tribe:
and

and the Congregation is to observe the present Order, as they will answer the contrary to the *Phylarch*, or Prerogative Troop of the Tribe; which, in case of failure in the whole or any part of it, have power to fine them or any of them at discretion, but under an Appeal to the Parliament.

FOR proof of this Order; First, in Reason: It is with all Politicians past dispute, that paternal Power is in the right of Nature; and this is no other than the derivation of Power from Fathers of Families, as the natural root of a Common-wealth. And for Experience, if it be otherwise in that of *Holland*, I know no other example of the like kind. In *Israel*, the sovereign Power came clearly from the natural Root, the Elders of the whole People; and *Rome* was born (*Comitiis Curiatis*) in her Parochial Congregations, out of which *ROMULUS* first rais'd her Senate, then all the rest of the Orders of that Common-wealth, which rose so high: for the depth of a Common-wealth is the just height of it. Jof. 24. 1.

* *She raises up her Head unto the Skies,
Near as her Root unto the Center lies.*

AND if the Common-wealth of *Rome* was born of thirty Parishes, this of *Oceana* was born of ten thousand. But whereas mention in the birth of this is made of an Equestrian Order, it may startle such as know that the division of the People of *Rome*, at the institution of that Common-wealth into Orders, was the occasion of its ruin. The distinction of the Patrician as a hereditary Order from the very Institution, ingrossing all the Magistracies, was indeed the destruction of *Rome*; but to a Knight or one of the Equestrian Order, says *HORACE*,

*Si quadringentis sex septem millia defunt,
Plebs eris.*

By which it should seem that this Order was not otherwise hereditary than a man's Estate, nor did it give any claim to Magistracy; wherefore you shall never find that it disquieted the Common-wealth; nor does the name denote any more in *Oceana*, than the Duty of such a man's Estate to the Public.

BUT the Surveyors both in this place and in others, forasmuch as they could not observe all the Circumstances of this Order, especially that of the time of Election, did for the first as well as they could; and, the Elections being made and register'd, took each of them Copies of those Lists which were within their Allotments; which done, they produc'd

THE sixth ORDER, directing, in case a Parson or Vicar of a Parish comes to be remov'd by Death or by the Censors, that the Congregation of the Parish assemble and depute one or two Elders by the Ballot, who upon the charge of the Parish shall repair to one of the Universities of this Nation with a certificate sign'd by the Overseers, and address to the Vice-Chancellor: which Certificate giving notice of the Death or Removal of the Parson or Vicar, of the value of the Parsonage or Vicarage, and of the desire of the Congregation to receive a

4. Order.
Of Ordination,
a National Religion, and Liberty of Conscience.

* *Ipse hæret Scopulis, & tantum vertice ad Auras
Æthereas, quantum radice ad Tartara, tendit.*

Probationer from that University; the Vice-Chancellor upon the receipt thereof shall call a Convocation, and having made choice of a fit Person, shall return him in due time to the Parish, where the Person so return'd shall receive the full fruits of the Benefice or Vicarage, and do the duty of the Parson or Vicar, for the space of one year, as Probationer: and that being expir'd, the Congregation of the Elders shall put their Probationer to the Ballot: and if he attains not to two parts in three of the Suffrage Affirmative, he shall take his leave of the Parish, and they shall send in like manner as before for another Probationer; but if their Probationer obtains two parts in three of the Suffrage Affirmative, he is then Pastor of that Parish. And the Pastor of the Parish shall pray with the Congregation, preach the Word, and administer the Sacraments to the same, according to the Directory to be hereafter appointed by the Parliament. Nevertheless such as are of gather'd Congregations, or from time to time shall join with any of them, are in no wise oblig'd to this way of electing their Teachers, or to give their Votes in this case, but wholly left to the Liberty of their own Consciences, and to that way of worship which they shall choose, being not Popish, Jewish, or Idolatrous. And to the end they may be the better protected by the State in the free exercise of the same, they are desir'd to make choice, in such manner as they best like, of certain Magistrates in every one of their Congregations, which we could wish might be four in each of them, to be Auditors in cases of differences or distaste, if any thro' variety of opinions, that may be grievous or injurious to them, should fall out. And such Auditors or Magistrates shall have power to examine the matter, and inform themselves, to the end that if they think it of sufficient weight, they may acquaint the *Phylarch* with it, or introduce it into the Council of Religion; where all such Causes as those Magistrates introduce, shall from time to time be heard and determin'd according to such Laws, as are, or shall hereafter be provided by the Parliament, for the just defence of the Liberty of Conscience.

Acts 14. 23.

THIS Order consists of three parts, the first restoring the power of Ordination to the People, which, that it originally belongs to them, is clear, tho' not in English yet in Scripture, where the Apostles *ordain'd Elders by the holding up of hands in every Congregation*, that is, by the suffrage of the People, which was also given in some of those Cities by the Ballot. And tho' it may be shewn that the Apostles ordain'd some by the laying on of hands, it will not be shewn that they did so in every Congregation.

EXCOMMUNICATION, as not clearly proveable out of the Scripture, being omitted, the second part of the Order implies and establishes a National Religion; for there be degrees of Knowledge in divine things; true Religion is not to be learnt without searching the Scriptures; the Scriptures cannot be search'd by us unless we have them to search; and if we have nothing else, or (which is all one) understand nothing else but a Translation, we may be (as in the place alledg'd we have been) beguil'd or misled by the Translation, while we should be searching the true sense of the Scripture, which cannot be attain'd in a natural way (and a Common-wealth is not to presume upon that which is supernatural) but by the knowledge of the Original and of Antiquity, acquir'd by our own studies, or those of some others, for even *Faith comes by hearing*. Wherefore a Common-wealth not making provision of men from time to time, knowing in the original Languages

Languages wherein the Scriptures were written, and vers'd in those Antiquities to which they so frequently relate, that the true sense of them depends in great part upon that Knowledge, can never be secure that she shall not lose the Scripture, and by consequence her Religion; which to preserve she must institute some method of this Knowledge, and some use of such as have acquir'd it, which amounts to a National Religion.

THE Common-wealth having thus perform'd her duty towards God, as a rational Creature, by the best application of her Reason to Scripture, and for the preservation of Religion in the purity of the same, yet pretends not to Infallibility, but comes in the third part of the Order, establishing Liberty of Conscience according to the Instructions given to her Council of Religion, to raise up her hands to Heaven for further light; in which proceeding she follows that (as was shewn in the Preliminaries) of *Israel*, who tho' her National Religion was always a part of her Civil Law, gave to her Prophets the upper hand of all her Orders.

BUT the Surveyors having now done with the Parishes, took their leaves; so a Parish is the first division of Land occasion'd by the first Collection of the People of *Oceana*, whose Function proper to that place is compriz'd in the six preceding Orders.

THE next step in the progress of the Surveyors was to a meeting of the nearest of them, as their work lay, by twenties; where conferring their Lists, and computing the Deputies contain'd therein, as the number of them in Parishes, being nearest Neighbours, amounted to one hundred, or as even as might conveniently be brought with that account, they cast them and those Parishes into the Precinct which (be the Deputies ever since more or fewer) is still call'd the *Hundred*: and to every one of these Precincts they appointed a certain place, being the most convenient Town within the same, for the annual Rendezvous; which done, each Surveyor returning to his Hundred, and summoning the Deputies contain'd in his Lists to the Rendezvous, they appear'd and receiv'd.

THE seventh ORDER, requiring, That upon the first Monday next ensuing the last of *January*, the Deputies of every Parish annually assemble in Arms at the Rendezvous of the Hundred, and there elect out of their number one Justice of the Peace, one Jurymen, one Captain, one Ensign of their Troop or Century, each of these out of the Horse; and one Jurymen, one Crowner, one High Constable, out of the Foot; the Election to be made by the Ballot in this manner. The Jurymen for the time being are to be Overseers of the Ballot (*instead of these, the Surveyors are to officiate at the first Assembly*) and to look to the performance of the same according to what was directed in the Ballot of the Parishes, saving that the High Constable setting forth the Urn, shall have five several futes of Gold Balls, and one dozen of every fute; whereof the first shall be mark'd with the Letter *A*, the second with the letter *B*, the third with *C*, the fourth with *D*, and the fifth with *E*: and of each of these futes he shall cast one Ball into his Hat, or into a little Urn, and shaking the Balls together present them to the first Overseer, who shall draw one, and the fute which is so drawn by the Overseer shall be of use for that Day, and no other: for example, if the Overseer draw an *A*, the High Constable shall put seven Gold Balls mark'd with the letter *A* into the Urn, with so many Silver ones as shall bring them even with the number of the Deputies, who

A a

being

7. Order.

being sworn, as before, at the Ballot of the Parish to make a fair Election, shall be call'd to the Urn; and every man coming in manner as was there shew'd, shall draw one Ball, which if it be Silver, he shall cast it into a Bowl standing at the foot of the Urn, and return to his place; but the first that draws a Gold Ball (shewing it to the Overseers, who if it has not the letter of the present Ballot, have power to apprehend and punish him) is the first Elector, the second the second Elector, and so to the seventh; which Order they are to observe in their function. The Electors as they are drawn shall be plac'd upon the Bench by the Overseers, till the whole number be complete, and then be conducted, with the List of the Officers to be chosen, into a place apart, where being private, the first Elector shall name a Person to the first Office in the List; and if the Person so nam'd, being balloted by the rest of the Electors, attains not to the better half of the Suffrages in the Affirmative, the first Elector shall continue nominating others, till one of them so nominated by him attains to the plurality of the Suffrages in the Affirmative, and be written first Competitor to the first Office. This done, the second Elector shall observe in his turn the like Order; and so the rest of the Electors, naming Competitors each to his respective Office in the List, till one Competitor be chosen to every Office: And when one Competitor is chosen to every Office, the first Elector shall begin again to name a second Competitor to the first Office, and the rest successively shall name to the rest of the Offices till two Competitors be chosen to every Office; the like shall be repeated till three Competitors be chosen to every Office. And when three Competitors are chosen to every Office, the List shall be return'd to the Overseers, or such as the Overseers, in case they or either of them happen'd to be Electors, have substituted in his or their place or places: and the Overseers or Substitutes having caus'd the List to be read to the Congregation, shall put the Competitors, in order as they are written, to the Ballot of the Congregation; and the rest of the Proceedings being carried on in the manner directed in the Fifth Order, that Competitor, of the three written to each Office, who has most of the Suffrages above half in the Affirmative, is the Officer. The List being after this manner compleated, shall be entered into a Register, to be kept at the Rendezvous of the Hundred, under inspection of the Magistrates of the same, after the manner following:

Anno Domini

The List of the Nebulosa.

A. A. Ord. Eq. Justice of the Peace	} of the Hundred of—in the Tribe of—which Hundred consists at this Election of 105 Deputies.
B. B. Ord. Eq. First Juryman	
C. C. Ord. Eq. Captain of the Hundred	
D. D. Ord. Eq. Ensign	
E. E. Second Juryman	
F. F. High Constable	
G. G. Crowner	

THE List being entered, the High Constable shall take three Copies of the same, whereof he shall presently return one to the Lord High Sheriff of the Tribe, a second to the Lord *Custos Rotulorum*, and a third to the Censors; or these, thro' the want of such Magistrates at the first muster, may be returned to the Orator, to be appointed for that Tribe. To the observations of all and every part of this Order,

the

the Officers and Deputies of the Hundred are all and every of them oblig'd, as they will answer it to the *Phylarch*, who has power in case of failure in the whole or any part, to fine all or any of them so failing at discretion, or according to such Laws as shall hereafter be provided in that case; but under an Appeal to the Parliament.

THERE is little in this Order worthy of any further account, but that it answers to the Rulers of Hundreds in *Israel*, to the *Mora* or Military part of the Tribe in *Lacedemon*, and to the Century in *Rome*. The Jurymen, being two in a Hundred, and so forty in a Tribe, give the Latitude allow'd by the Law for exceptions. And whereas the Golden Balls at this Ballot begin to be mark'd with Letters, whereof one is to be drawn immediately before it begins; this is to the end that the Letter being unknown, Men may be frustrated of tricks or foul play, whereas otherwise a Man might bring a Golden Ball with him, and make as if he had drawn it out of the Urn. The Surveyors, when they had taken Copies of these Lists, had accomplish'd their work in the Hundreds.

SO a Hundred is the second Division of Land occasion'd by the second Collection of the People, whose Civil and Military Functions proper to this place are compriz'd in the foregoing Order.

HAVING stated the Hundreds, they met once again by Twenties, where there was nothing more easy than to cast every twenty Hundreds, as they lay most conveniently together, into one Tribe; so the whole Territory of *Oceana*, consisting of about ten thousand Parishes, came to be cast into one thousand Hundreds, and into fifty Tribes. In every Tribe at the place appointed for the annual Rendezvous of the same, were then, or soon after, begun those Buildings which are now called *Pavilions*; each of them standing with one open side upon fair Columns, like the porch of some antient Temple, and looking into a Field, capable of the muster of some four thousand Men: Before each Pavilion stand three Pillars sustaining Urns for the Ballot, that on the right-hand equal in height to the brow of a Horseman, being call'd the *Horse Urn*; that on the left-hand, with Bridges on either side to bring it equal in height with the brow of a Footman, being called the *Foot Urn*; and the *middle Urn* with a Bridge on the side towards the Foot Urn, the other side, as left for the Horse, being without one: and here ended the whole work of the Surveyors, who returned to the Lord ARCHON with this.

Account of the Charge.

	<i>l.</i>	<i>s.</i>	
IMPRIMIS, Urns, Balls, and Balloting Boxes for } ten thousand Parishes, the same being wooden Ware, }	20000	00	<i>The whole Charge of the Institution.</i>
ITEM, Provisions of the like kind for a thousand Hundreds,	3000	00	
ITEM, Urns and Balls of Metal, with Balloting } Boxes for fifty Tribes, _____ }	2000	00	
ITEM, For erecting of fifty Pavilions, _____	60000	00	
ITEM, Wages for four Surveyors General at 1000 <i>l.</i> a Man,	4000	00	
ITEM, Wages for the rest of the Surveyors, being } 1000, at 250 <i>l.</i> a Man, _____ }	250000	00	
Sum Total,	339000	00	
	THIS		

THIS is no great matter of charge for the building of a Commonwealth, in regard that it has cost (which was pleaded by the Surveyors) as much to rig a few Ships. Nevertheless that proves not them to be honest, nor their account to be just; but they had their Money for once, tho' their reckoning be plainly guilty of a Crime, to cost him his Neck that commits it another time, it being impossible for a Common-wealth (without an exact provision that it be not abus'd in this kind) to subsist: for if no regard should be had of the Charge (tho' that may go deep) yet the Debauchery and Corruption, whereto, by negligence in Accounts, it infallibly exposes its Citizens, and thereby lessens the public Faith, which is the Nerve and Ligament of Government, ought to be prevented. But the Surveyors being dispatch'd, the Lord ARCHON was very curious in giving names to his Tribes, which having caus'd to be written in Scrolls cast into an Urn, and presented to the Counsellors, each of them drew one, and was accordingly sent to the Tribe in his lot, as Orators of the same, a Magistracy no otherwise instituted, than for once and *pro tempore*, to the end that the Council upon so great an occasion might both congratulate with the Tribes, and assist at the first muster in some things of necessity to be differently carry'd from the established Administration, and future Course of the Common-wealth.

THE Orators being arrived, every one as soon as might be, at the Rendezvous of his Tribe, gave notice to the Hundreds, and summon'd the Muster, which appeared for the most part upon good Horses, and already indifferently well arm'd; as to instance in one for all, the Tribe of *Nubia*, where HERMES DE CADUCEO, Lord Orator of the same, after a short salutation and a hearty welcome, apply'd himself to his business, which began with

8. Order.

THE eighth ORDER, requiring, That the Lord High Sheriff as Commander in Chief, and the Lord *Custos Rotulorum* as Mustermaster of the Tribe (or the Orator for the first Muster) upon reception of the Lists of their Hundreds, return'd to them by the High Constables of the same, presently cause them to be cast up, dividing the Horse from the Foot, and listing the Horse by their names in Troops, each Troop containing about a hundred in number, to be inscrib'd, first, second, or third Troop, &c. according to the Order agreed upon by the said Magistrates: Which done, they shall list the Foot in like manner, and inscribe the Companies in like order. These Lists upon the Eve of the Muster shall be deliver'd to certain Trumpeters and Drummers, whereof there shall be fifteen of each sort (as well for the present as other uses to be hereafter mentioned) stipendiated by the Tribe. And the Trumpeters and Drummers shall be in the Field before the Pavilion, upon the day of the Muster, so soon as it is light, where they shall stand every one with his List in his hand, at a due distance, plac'd according to the Order of the List; the Trumpeters with the Lists of the Horse on the right-hand, and the Drummers with the Lists of the Foot on the left-hand: where having sounded a while, each of them shall begin to call, and continue calling the names of the Deputies, as they come into the field, till both the Horse and Foot be gather'd by that means into their due Order. The Horse and Foot being in order, the Lord Lieutenant of the Tribe shall cast so many Gold Balls mark'd with the figures 1, 2, 3, 4, &c. as there be Troops of Horse in the Field, together with so many Silver Balls as there be Companies, mark'd in the same manner, into a little Urn, to which

which he shall call the Captains; and the Captains drawing the Gold Balls shall command the Horse, and those that draw the Silver the Foot, each in the order of his Lot. The like shall be done by the Conductor at the same time for the Ensigns at another Urn; and they that draw the Gold Balls shall be Cornets, the rest Ensigns.

THIS Order may puzzle the Reader, but tends to a wonderful speed of the Muster, to which it would be a great matter to lose a day in ranging and martialling, whereas by virtue of this the Tribe is no sooner in the field than in Battalia, nor sooner in Battalia than call'd to the Urns or the Ballot by virtue of

THE ninth ORDER, whereby the Censors (or the Orator for the first Muster) upon reception of the Lists of the Hundreds from the High Constables, according as is directed by the seventh Order, are to make their Notes for the Urns beforehand, with regard had to the Lists of the Magistrates, to be elected by the ensuing Orders; that is to say, by the first List call'd the *prime Magnitude*, six; and by the second call'd the *Galaxy*, nine. Wherefore the Censors are to put into the middle Urn for the Election of the first List twenty four Gold Balls, with twenty six Blanks or Silver Balls, in all sixty; and into the side Urns sixty Gold Balls divided into each according to the different number of the Horse and the Foot: that is to say, if the Horse and the Foot be equal, equally; and if the Horse and the Foot be unequal, inequally, by an Arithmetical Proportion. The like shall be done the second day of the Muster, for the second List, except that the Censors shall put into the middle Urn 36 Gold Balls with 24 Blanks, in all sixty; and sixty Gold Balls into the side Urns, divided respectively into the number of the Horse and the Foot: and the Gold Balls in the side Urns at either Ballot are by the addition of Blanks to be brought even with the number of the Ballotans at either Urn respectively. The Censors having prepar'd their Notes, as has been shewn, and being come at the day appointed into the Field, shall present a little Urn to the Lord High Sheriff, who is to draw twice for the Letters to be us'd that day, the one at the side Urns, and the other at the middle. And the Censors having fitted the Urns accordingly, shall place themselves in certain moveable Seats or Pulpits (to be kept for that use in the Pavilion) the first Censor before the Horse Urn, the second before the Foot Urn, the Lord Lieutenant doing the Office of Censor *pro tempore* at the middle Urn; where all and every one of them shall cause the Laws of the Ballot to be diligently observ'd, taking a special care that no man be suffer'd to come above once to the Urn (whereof it more particularly concerns the Subcensors, that is to say, the Overseers of every Parish, to be careful; they being each in this regard responsible for their respective Parishes) or to draw above one Ball, which if it be Gold, he is to present to the Censor, who shall look upon the Letter; and if it be not that of the day, and of the respective Urn, apprehend the Party, who for this or any other like disorder, is obnoxious to the *Phylarch*.

9. Order.

THIS Order being observ'd by the Censors, it is not possible for the People, if they can but draw the Balls, tho' they understand nothing at all of the Ballot, to be out. To philosophize further upon this Art, tho' there be nothing more rational, were not worth the while; because in writing it will be perplex'd, and the first practice of it gives the demonstration: whence it came to pass, that the Orator after some

needless pains in the explanation of the two foregoing Orders, betaking himself to exemplify the same, found the work done to his hand; for the Tribe, as eager upon a business of this nature, had retain'd one of the Surveyors, out of whom (before the Orator arriv'd) they had got the whole Myſtery by a ſtolen Muſter, at which in order to the Ballot they had made certain Magiſtrates *pro tempore*. Wherefore he found not only the Pavilion (for this time a Tent) erected with three Poſts ſupplying the place of Pillars to the Urns; but the Urns being prepar'd with a juſt number of Balls for the firſt Ballot, to become the Field, and the occaſion very gallantly, with their Covers made in the manner of Helmets, open at either ear to give paſſage to the hands of the Ballotants, and flanting with noble Plumes to direct the March of the People. Wherefore he proceeded to

10. Order.

THE tenth ORDER, requiring of the Deputies of the Pariſhes, That upon every Monday next enſuing the laſt of *February*, they make their perſonal appearance, Horſe and Foot in Arms accordingly, at the Rendezvouz of the Tribe; where being in Diſcipline, the Horſe upon the right, and the Foot upon the left, before the Pavilion, and having made Oath by holding up their hands upon the tender of it by the Lord High Sheriff, to make Election without favour, and of ſuch only as they ſhall judge fitteſt for the Common-wealth: The Conductor ſhall take three Balls, the one inſcrib'd with theſe words [*outward Files*] another with theſe words [*inward Files*] and the third with theſe [*middle Files*] which Balls he ſhall caſt into a litle Urn, and preſent it to the Lord High Sheriff, who, drawing one, ſhall give the words of Command, as they are thereupon inſcrib'd, and the Ballot ſhall begin accordingly. For example, if the Ball be inſcrib'd *middle Files*, the Ballot ſhall begin by the middle; that is, the two Files that are middle to the Horſe, ſhall draw out firſt to the Horſe Urn, and the two Files that are middle to the Foot, ſhall draw out firſt to the Foot Urn, and be follow'd by all the reſt of the Files as they are next to them in order. The like ſhall be done by the inward, or by the outward Files, in caſe they be firſt call'd. And the Files, as every Man has drawn his Ball, if it be Silver, ſhall begin at the Urn to countermarch to their places; but he that has drawn a Gold Ball at a ſide Urn, ſhall proceed to the middle Urn, where if the Ball he draws be Silver, he alſo ſhall countermarch: But if it be Gold, he ſhall take his place upon a form ſet croſs the Pavilion, with his face toward the Lord High Sheriff, who ſhall be ſeated in the middle of the Pavilion, with certain Clerks by him, one of which ſhall write down the names of every Elector, that is, of every one that drew a Gold Ball at the middle Urn, and in the Order his Ball was drawn, till the Electors amount to fix in number. And the firſt fix Electors; Horſe and Foot promiſcuouſly, are the firſt Order of Electors; the ſecond fix (ſtill accounting them as they are drawn) the ſecond Order; the third fix, the third Order; and the fourth fix, the fourth Order of Electors: every Elector having place in his order, according to the order wherein he was drawn. But ſo ſoon as the firſt Order of Electors is compleat, the Lord High Sheriff ſhall ſend them with a Copy of the following Liſt, and a Clerk that underſtands the Ballot, immediately to a little Tent ſtanding before the Pavilion in his Eye, to which no other Perſon but themſelves, during the Election, ſhall approach. The Liſt ſhall be written in this manner:

Anno

Anno Domini

The List of the Prime Magnitude or first days Election of Magistrates.

- | | | |
|---|---|--|
| 1. The Lord High Sheriff, <i>Commander in Chief</i> | } of the Tribe of Nu-
bia containing at this
present Muster 700
Horse, and 1500 Foot,
in all 2200 Deputies. | <i>Institution of
the Prime
Magnitude.</i> |
| 2. Lord Lieutenant | | |
| 3. Lord Custos Rotulorum, <i>Mustermaster General</i> | | |
| 4. The Conductor, <i>being Quartermaster General</i> | | |
| 5. The first Censor | | |
| 6. The second Censor | | |

AND the Electors of the first hand or order, being six, shall each of them name to his respective Magistracy in the left such as are not already elected in the Hundreds, till one Competitor be chosen to every Magistracy in the List by the Ballot of the Electors of the first Order; which done, the List with the Competitors thereunto annex'd shall be return'd to the Lord High Sheriff by the Clerk attending that Order, but the Electors shall keep their places: for they have already given their Suffrage, and may not enter into the Ballot of the Tribe. If there arises any Dispute in an Order of Electors, one of the Censors or Subcensors appointed by them in case they be Electors, shall enter into the Tent of that Order; and that Order shall stand to his Judgment in the decision of the Controversy. The like shall be done exactly by each other Order of Electors, being sent as they are drawn, each with another Copy of the same List, into a distinct Tent, till there be return'd to the Lord High Sheriff four Competitors to every Magistracy in the List; that is to say, one Competitor elected to every Office in every one of the four Orders: which Competitors the Lord High Sheriff shall cause to be pronounced or read by a Crier to the Congregation; and the Congregation having heard the whole Lists repeated, the Names shall be put by the Lord High Sheriff to the Tribe, one by one, beginning with the first Competitor in the first order, thence proceeding to the first Competitor in the second Order, and so to the first in the third and fourth Orders. And the Suffrages being taken in boxes by Boys (*as has been already shewn*) shall be power'd into the Bowls standing before the Censors, who shall be seated at each end of the Table in the Pavilion, the one numbring the Affirmatives, and the other the Negatives; and he, of the four Competitors to the first Magistracy, that has most above half the Suffrages of the Tribe in the Affirmative, is the first Magistrate. The like is to be done successively by the rest of the Competitors in their order. But because soon after the Boxes are sent out for the first name, there be others sent out for the second, and so for the third, &c. by which means divers names are successively at one and the same time in balloting; the Boy that carries a Box shall sing or repeat continually the name of the Competitor for whom that Box is carrying, with that also of the Magistracy to which he is propos'd. A Magistrate of the Tribe happening to be an Elector, may substitute any one of his own Order to execute his other Function. The Magistrates of the Prime Magnitude being thus elected, shall receive the present Charge of the Tribe.

IF it be objected against this Order, that the Magistrates to be elected by it, will be Men of more inferior rank than those of the Hundreds, in regard that those are chosen first; it may be remembered,

ber'd, that so were the Burgeſſes in the former Government, nevertheless the Knights of the Shire were Men of greater quality: And the Election at the Hundred is made by a Council of Electors, of whom less cannot be expected than the discretion of naming Persons fittest for those Capacities, with an Eye upon these to be elected at the Tribe. As for what may be objected in point of Difficulty, it is demonstrable by the foregoing Orders, that a Man might bring ten thousand Men (if there were occasion) with as much ease, and as suddenly to perform the Ballot, as he can make five thousand Men (drawing them out by double Files) to march a quarter of a mile. But because at this Ballot, to go up and down the Field, distributing the linen Pellets to every Man, with which he is to ballot or give suffrage, would lose a great deal of time, therefore a Man's Wife, his Daughters, or others, make him his provision of Pellets before the Ballot; and he comes into the field with a matter of a score of them in his pocket. And now I have as good as done with the sport. The next is

II. Order.
Functions of
the Magi-
strates of the
Prime Mag-
nitude.

THE Eleventh ORDER, explaining the Duties and Functions of the Magistrates contain'd in the List of the Prime Magnitude: And those of the Hundreds, beginning with the Lord High Sheriff, who, over and above his more antient Offices, and those added by the former Order, is the first Magistrate of the *Phylarch*, or Prerogative Troop. The Lord Lieutenant, over and above his Duty mention'd, is Commander in Chief of the Musters of the Youth, and second Magistrate of the *Phylarch*. The *Custos Rotulorum* is to return the yearly Muster-rolls of the Tribe, as well that of the Youth as of the Elders, to the Rolls in *Emporium*, and is the third Magistrate of the *Phylarch*. The Censors by themselves, add their Subcensors, that is, the Overseers of the Parishes, are to see that the respective Laws of the Ballot be observ'd in all the popular Assemblies of the Tribe. They have power also to put such National Ministers, as in Preaching shall intermeddle with matters of Government, out of their Livings; except the Party appeals to the *Phylarch*, or to the Council of Religion, where in that case the Censors shall prosecute. All and every one of these Magistrates, together with the Justices of Peace, and the Jurymen of the Hundreds, amounting in the whole number to threescore and six, are the Prerogative Troop or *Phylarch* of the Tribe.

Functions of
the Phylarch.

THE Function of the *Phylarch* or Prerogative Troop is fivefold. *FIRST*, They are the Council of the Tribe, and as such to govern the Musters of the same according to the foregoing Orders, having cognizance of what has past in the Congregation or Elections made in the Parishes or the Hundreds, with power to punish any undue practices, or variation from their respective Rules and Orders, under an Appeal to the Parliament. A Marriage legitimately is to be pronounc'd by the Parochial Congregation, the Muster of the Hundred, or the *Phylarch*. And if a Tribe have a desire (which they are to express at the Muster by their Captains, every Troop by his own) to petition the Parliament, the *Phylarch*, as the Council, shall frame the Petition in the Pavilion, and propose it by Clauses to the Ballot of the whole Tribe; and the Clauses that shall be affirm'd by the Ballot of the Tribe, and sign'd by the hands of the six Magistrates of the Prime Magnitude, shall be received and esteemed by the Parliament as the Petition of the Tribe, and no other.

SECONDLY,

SECONDLY, The *Phylarch* has power to call to their assistance what other Troops of the Tribe they please (be they Elders or Youth, whose Discipline will be hereafter directed) and with these to receive the Judges *Itinerant* in their Circuits, whom the Magistrates of the *Phylarch* shall assist upon the Bench, and the Juries elsewhere in their proper functions according to the more antient Laws and Customs of this Nation.

THIRDLY, The *Phylarch* shall hold the Court call'd the *Quarter Sessions* according to the antient Custom, and therein shall also hear Causes in order to the protection of Liberty of Conscience, by such Rules as are or shall hereafter be appointed by the Parliament.

FOURTHLY, All Commissions, issu'd into the Tribes by the Parliament, or by the Chancery, are to be directed to the *Phylarch*, or some of that Troop, and executed by the same respectively.

FIFTHLY, In the case of Levies of Money the Parliament shall tax the *Phylarchs*, the *Phylarchs* shall tax the Hundreds, the Hundreds the Parishes, and the Parishes shall levy it upon themselves. The Parishes having levy'd the Tax Money, accordingly shall return it to the Officers of the Hundreds, the Hundreds to the *Phylarchs*, and the *Phylarchs* to the *Exchequer*. But if a man has ten Children living, he shall pay no Taxes; if he has five living, he shall pay but half Taxes; if he has been marry'd three years, or be above twenty five years of Age, and has no Child or Children lawfully begotten, he shall pay double Taxes. And if there happen to grow any dispute upon these or such other Orders, as shall or may hereto be added hereafter, the *Phylarchs* shall judge the Tribes, and the Parliament shall judge the *Phylarchs*. For the rest, if any man shall go about to introduce the right or power of Debate into any popular Council or Congregation of this Nation, the *Phylarch* or any Magistrate of the Hundred, or of the Tribe, shall cause him presently to be sent in custody to the Council of War.

THE part of the Order relating to the Rolls in *Emporium* being of singular use, is not unworthy to be somewhat better open'd. In what manner the Lists of the Parishes, Hundreds, and Tribes are made, has been shewn in their respective Orders, where after the Parties are elected, they give an account of the whole number of the Elders or Deputies in their respective Assemblies or Musters; the like for this part exactly is done by the Youth in their Discipline (to be hereafter shewn) wherefore the Lists of the Parishes, Youth and Elders, being sum'd up, give the whole number of the People able to bear Arms; and the Lists of the Tribes, Youth and Elders, being sum'd up, give the whole number of the People bearing Arms. This account, being annually recorded by the Master of the Rolls, is call'd the *Pillar of Nilus*, because the People being the Riches of the Common-wealth, as they are found to rise or fall by the degrees of this Pillar, like that River, give an account of the Public Harvest,

*Institution of
the Roll call'd
the Pillar of
Nilus.*

THUS much for the Description of the first days work at the Muster, which happen'd, as has been shewn, to be done as soon as said: for as in practice it is of small difficulty, so requires it not much time, seeing the great Council of *Venice*, consisting of a like number, begins at twelve of the Clock, and elects nine Magistrates in one Afternoon. But the Tribe being dismiss'd for this night, repair'd to their Quarters, under the conduct of their new Magistrates. The next morning returning into the field very early, the Orator proceeded to

THE twelfth ORDER, directing the Muster of the Tribe in the second days Election, being that of the List call'd the *Galaxy*; in which the Censors shall prepare the Urns according to the Directions given in the ninth Order for the second Ballot; this is to say, with 36 Gold Balls in the middle Urn, making four Orders, and nine Electors in every Order, according to the number of the Magistrates in the List of the *Galaxy*, which is as follows :

1. Knight }
2. Knight } to be chosen out of the Horse.

3. Deputy }
4. Deputy } to be chosen out of the Horse.
5. Deputy }

6. Deputy }
7. Deputy } to be chosen out of the Foot.
8. Deputy }
9. Deputy }

THE rest of the Ballot shall proceed exactly according to that of the first day. But forasmuch as the Common-wealth demands as well the fruits of a man's body as of his mind, he that has not been marry'd shall not be capable of these Magistracies till he be marry'd. If a Deputy, already chosen to be an Officer in the Parish, in the Hundred, or in the Tribe, be afterwards chosen of the *Galaxy*, it shall be lawful for him to deligate his Office in the Parish, in the Hundred, or in the Tribe, to any one of his own Order, being not already chosen into Office. The Knights and Deputies being chosen, shall be brought to the head of the Tribe by the Lord High Sheriff, who shall administer to them this Oath; *Ye shall well and truly observe and keep the Orders and Customs of this Common-wealth which the People have chosen.* And if any of them shall refuse the Oath, he shall be rejected, and that Competitor which had the most voices next shall be call'd in his place; who if he takes the Oath shall be enter'd in the List; but if he also refuses the Oath, he who had most voices next shall be call'd, and so till the number of nine out of those Competitors which had most voices be sworn Knights and Deputies of the *Galaxy*. [*This Clause, in regard of the late Divisions, and to the end that no violence be offer'd to any man's Conscience, to be of force but for the first three years only.*] The Knights of the *Galaxy* being elected and sworn, are to repair, by the Monday next ensuing the last of *March*, to the *Pantheon* or Palace of Justice, situated in the Metropolis of this Common-wealth (except the Parliament, by reason of a contagious Sickness, or some other occasion, has adjourn'd to another part of the Nation) where they are to take their places in the Senate, and continue in full Power and Commission, as Senators, for the full term of three years next ensuing the date of their Election. The Deputies of the *Galaxy* are to repair by the same day (except as before excepted) to the *Halo* situated in *Emporium*, where they are to be listed of the Prerogative Tribe, or equal Representative of the People; and to continue in full Power and Commission as their Deputies for the full term of three years next ensuing their Election. But forasmuch as the term of every Magistracy or Office in this Common-wealth requires an equal vacation,

tion, a Knight or Deputy of the *Galaxy*, having fulfil'd his term of three years, shall not be re-elected into the same *Galaxy*, or any other, till he has also fulfil'd his three years vacation.

WHOEVER shall rightly consider the foregoing Orders will be as little able to find how it is possible, that a worshipful Knight should declare himself in Ale and Beef worthy to serve his Country, as how my Lord High Sheriff's Honour, in case he were protected from the Law, could play the knave. But tho' the foregoing Orders, so far as they regard the Constitution of the Senate and the People; requiring no more as to an ordinary Election than is therein explain'd; that is but one third part of their Knights and Deputies, are perfect; yet must we in this place, and as to the Institution, of necessity erect a Scaffold. For the Common-wealth to the first creation of her Councils in full number, requir'd thrice as many as are eligible by the foregoing Orders. Wherefore the Orator, whose aid in this place was most necessary, rightly informing the People of the reason, staid them two days longer at the Muster, and took this course. One List containing two Knights and seven Deputies, he caus'd to be chosen upon the second day; which List being call'd the *first Galaxy*, qualify'd the Parties elected of it with power for the term of one year and no longer: another List containing two Knights and seven Deputies more, he caus'd to be chosen the third day, which List being call'd the *second Galaxy*, qualify'd the Parties elected of it with Power for the term of two years and no longer. And upon the fourth day he chose the *third Galaxy*, according as it is directed by the Order, impower'd for three years; which Lists successively falling (like the Signs or Constellations of one Hemisphere, which setting, cause those of the other to rise) cast the great Orbs of this Common-wealth into an annual, triennial, and perpetual Revolution.

THE business of the Muster being thus happily finish'd, HERMES DE CADUCEO, Lord Orator of the Tribe of *Nubia*, being now put into her first Rapture, caus'd one of the Censors Pulpits to be planted in front of the Squadron, and ascending into the same, speak after this manner.

My Lords, the Magistrates and the People of the Tribe of Nubia.

“ WE have this day solemniz'd the happy Nuptials of the two
 “ greatest Princes that are upon the Earth or in Nature, ARMS
 “ and COUNCILS: in the mutual Embraces whereof consists your
 “ whole COMMON-WEALTH; whose Councils upon their perpe-
 “ tual Wheelings, Marches, and Countermarches, create her Armies;
 “ and whose Armies with the golden Volleys of the BALLOT at once
 “ create and salute her Councils. There be those (such is the World
 “ at present) that think it ridiculous to see a Nation exercising its Ci-
 “ vil Functions in Military Discipline; while they, committing their
 “ Buff to their Servants, come themselves to hold Trenchards. For
 “ what avails it such as are unarm'd, or (which is all one) whose
 “ Education acquaints them not with the proper use of their Swords,
 “ to be called Citizens? What were two or three thousand of you, tho'
 “ never so well affected to your Country, but naked, to one Troop of
 “ Merce-

“ Mercenary Soldiers? If they should come upon the Field and say,
 “ Gentlemen, It is thought fit that such and such Men should be chosen
 “ by you; where were your Liberty? Or, Gentlemen, Parliaments
 “ are exceeding good, but you are to have a little patience, these times
 “ are not so fit for them; where were your Common-wealth? What
 “ causes the Monarchy of the *Turks* but Servants in Arms? What was
 “ it that begot the glorious Common-wealth of *Rome*, but the Sword
 “ in the hands of her Citizens? Wherefore my glad Eyes salute the Se-
 “ renity and Brightness of this day with a shower that shall not cloud
 “ it. Behold the Army of *Israel* become a Common-wealth, and the
 “ Common-wealth of *Israel* remaining an Army, with her Rulers of Tens
 “ and of Fifties, her Rulers of Hundreds and Thousands, drawing near
 “ (as this day throughout our happy Fields) to the Lot by her Tribes,
 “ increas’d above threefold, and led up by her *Phylarchs* or Princes, to
 “ sit upon * fifty Thrones, judging the fifty Tribes of *Oceana*! Or, Is
 “ it *Athens*, breaking from her Iron Sepulcher, where she has been so
 “ long trampled by Hosts of *Janizaries*? For certainly that is the voice
 “ of *THESEUS*, having gathered his scatter’d *Athenians* into one City.
 “ † This freeborn Nation lives not upon the Dole or Bounty of one
 “ man, but distributing her annual Magistracies and Honours with her
 “ own hand, is her self King PEOPLE—(at which the Orator was a
 “ while interrupted with shouts, but at length proceeded)—Is it grave
 “ *Lacedemon* in her arm’d Tribe divided by her *Obæ* and her *Mora*,
 “ which appears to chide me that I teach the People to talk, or con-
 “ ceive such Language as is drest like a Woman, to be a fit Usher of the
 “ Joys of Liberty into the hearts of men? Is it *Rome* in her victorious
 “ Arms (for so she held her *Concio* or Congregation) that congratu-
 “ lates with us, for finding out that which she could not hit on, and
 “ binding up her *Comitia Curiata*, *Centuriata*, and *Tributa*, in one in-
 “ violable League of Union? Or is it the Great Council of incompa-
 “ rable *Venice*, bowling forth by the self same Ballot her immortal
 “ Common-wealth? For, neither by Reason nor by Experience is it
 “ impossible that a Common-wealth should be immortal; seeing the
 “ People being the Materials, never die; and the Form, which is
 “ Motion, must, without opposition, be endless. The Bowl which
 “ is thrown from your hand, if there be no rub, no impediment,
 “ shall never cease: for which cause the glorious Luminaries that are
 “ the Bowls of God, were once thrown for ever; and next these,
 “ those of *Venice*. But certainly, my Lords, whatever these great
 “ Examples may have shewn us, we are the first that have shewn to
 “ the World a Common-wealth establish’d in her rise upon fifty such
 “ Towers, and so garnizon’d as are the Tribes of *Oceana*, containing
 “ a hundred thousand Elders upon the annual List, and yet but an
 “ Out-guard; besides her marching Armies to be equal in the Disci-
 “ pline, and in the number of her Youth.

“ AND forasmuch as Sovereign Power is a necessary but a for-
 “ midable Creature, not unlike the Powder which (as you are Soldiers)
 “ is at once your Safety and your Danger, being subject to take fire

* Sellis Curulibus.

† ————— Hæc juris fui
 Parere Domino Civitas uni negat:
 Rex ipse Populus annuas mandat vices
 Honoris huic illive. —————

“ against you as well as for you; how well and securly is she by your
 “ *Galaxys* so collected as to be in full force and vigour, and yet so distri-
 “ buted that it is impossible you should be blown up by your own Ma-
 “ gazine? Let them who will have it, that Power if it be confin’d
 “ cannot be Sovereign, tell us, whether our Rivers do not enjoy a more
 “ secure and fruitful Reign within their proper banks, than if it were
 “ lawful for them, in ravaging our Harvests, to spill themselves?
 “ Whether Souls, not confin’d to their peculiar Bodies, do govern them
 “ any more than those of Witches in their Trances? Whether Power,
 “ not confin’d to the bounds of Reason and Virtue, has any other
 “ bounds than those of Vice and Passion? Or if Vice and Passion be
 “ boundless, and Reason and Virtue have certain Limits, on which of
 “ these Thrones holy men should anoint their Sovereign? But to blow
 “ away this dust, The Sovereign Power of a Common-wealth is no more
 “ bounded, that is to say straitened, than that of a Monarch; but is
 “ balanc’d. The Eagle mounts not to her proper pitch, if she be
 “ bounded; nor is free, if she be not balanc’d. And lest a Monarch
 “ should think he can reach further with his Scepter, the Roman Eagle
 “ upon such a Balance spread her Wings from the Ocean to *Euphrates*.
 “ Receive the Sovereign Power; you have receiv’d it, hold it fast, im-
 “ brace it for ever in your shining Arms. The virtue of the Loadstone
 “ is not impair’d or limited, but receives strength and nourishment by
 “ being bound in Iron. And so giving your Lordships much Joy, I
 “ take my leave of this Tribe.

THE Orator descending, had the period of his Speech made with a vast applause and exultation of the whole tribe, attending him for that night to his quarter, as the *Phylarch* with some commanded Troops did the next day to the Frontiers of the Tribe, where leave was taken on both sides with more Tears than Grief.

SO, a Tribe is the third Division of Land occasion’d by the third Collection of the People, whose Functions proper to that place are contain’d in the five foregoing Orders. *Definition of the Tribe.*

THE Institution of the Common-wealth was such as needed those Props and Scaffolds which may have troubled the Reader; but I shall here take them away, and come to the Constitution which stands by it self, and yields a clearer prospect.

THE motions, by what has been already shewn, are Spherical; and Spherical Motions have their proper Center: for which cause (e’re I proceed further) it will be necessary, for the better understanding of the whole, that I discover the Center whereupon the Motions of this Common-wealth are form’d. *Constitution of the Common-wealth.*

THE Center, or Basis of every Government, is no other than the Fundamental Laws of the same.

FUNDAMENTAL Laws are such as state what it is that a Man may call his own, that is to say, Property; and what the Means be whereby a Man may enjoy his own, that is to say, Protection. The first is also call’d Dominion, and the second Empire or Sovereign Power, whereof this (as has been shewn) is the natural product of the former; for such as is the Balance of Dominion in a Nation, such is the nature of its Empire.

WHEREFORE the Fundamental Laws of *Oceana*, or the Center of this Common-wealth, are the Agrarian and the Ballot: The Agrarian

rian by the Balance of Dominion preserving Equality in the Root; and the Ballot by an equal Rotation conveying it into the Branch, or Exercise of Sovereign Power: As, to begin with the former, appears by

13. Order.

THE thirteenth ORDER, constituting the Agrarian Laws of *Oceana*, *Marpesia* and *Panopea*, whereby it is ordain'd, *First*, for all such Lands as are lying and being within the proper Territories of *Oceana*, that every Man who is at present posselt, or shall hereafter be posselt of an Estate in Land exceeding the Revenue of two thousand Pounds a year, and having more than one Son, shall leave his Lands either equally divided among them, in case the Lands amount to above 2000 l. a year to each; or so near equally in case they come under, that the greater part or portion of the same remaining to the eldest, exceed not the value of two thousand Pounds Revenue. And no man, not in present possession of Lands above the value of two thousand Pounds by the year, shall receive, enjoy, (except by lawful Inheritance) acquire, or purchase to himself lands within the said Territories, amounting, with those already in his possession, above the said Revenue. And if a man has a Daughter, or Daughters, except she be an Heiress, or they be Heiresses, he shall not leave or give to any one of them in Marriage or otherwise, for her Portion, above the value of one thousand five hundred Pounds in Lands, Goods, and Monies. Nor shall any Friend, Kinsman, or Kinswomen, add to her or their Portion or Portions that are so provided for, to make any one of them greater. Nor shall any man demand, or have more in marriage with any Woman. Nevertheless an Heiress shall enjoy her lawful inheritance, and a Widow whatsoever the Bounty or Affection of her Husband shall bequeath to her, to be divided in the first Generation, wherein it is divisible according as has been shewn.

SECONDLY, For Lands lying and being within the Territories of *Marpesia*, the Agrarian shall hold in all parts as it is establish'd in *Oceana*, except only in the Standard or Proportion of Estates in Land, which shall be set for *Marpesia* at five hundred Pounds. And,

THIRDLY, For *Panopea*, the Agrarian shall hold in all parts, as in *Oceana*. And whosoever possessing above the proportion allow'd by these Laws, shall be lawfully convicted of the same, shall forfeit the Overplus to the use of the State.

AGRARIAN Laws of all others have ever been the greatest Bugbears, and so in the Institution were these, at which time it was ridiculous to see how strange a fear appear'd in every body of that which, being good for all, could hurt no body. But instead of the proof of this Order, I shall out of those many Debates that happen'd e're it could be past, insert two Speeches that were made at the Council of Legislators, the first by the Right Honourable PHILAUTUS DE GARBO, a young Man, being Heir apparent to a very Noble Family, and one of the Counsellors, who exprest himself as follows.

May

May it please your Highness, my Lord ARCHON of Oceana.

“ IF I did not, to my capacity, know from how profound a
 “ Counsellor I dissent, it would certainly be no hard task to make
 “ it as light as the day: First, That an Agrarian is altogether un-
 “ necessary. Secondly, That it is dangerous to a Common-wealth.
 “ Thirdly, That it is insufficient to keep out Monarchy. Fourthly,
 “ That it ruins Families. Fifthly, That it destroys Industry. And
 “ last of all, that tho’ it were indeed of any good use, it will be a
 “ matter of such difficulty to introduce in this Nation, and so to settle
 “ that it may be lasting, as is altogether invincible.

“ FIRST, That an Agrarian is unnecessary to a Common-wealth,
 “ what clearer Testimony can there be, than that the Common-wealths
 “ which are our Co-temporaries (*Venice*, to which your Highness
 “ gives the upper hand of all Antiquity, being one) have no such
 “ thing? And there can be no reason why they have it not, seeing it
 “ is in the Sovereign Power at any time to establish such an Order,
 “ but that they need it not; wherefore no wonder if ARISTOTLE,
 “ who pretends to be a good Common-wealthsman, has long since de-
 “ rided PHALEAS, to whom it was attributed by the *Greeks*, for his
 “ invention.

“ SECONDLY, That an Agrarian is dangerous to a Common-
 “ wealth is affirm’d upon no slight Authority, seeing MACHIAVEL
 “ is positive, that it was the Diffension which happen’d about the Agra-
 “ rian that caus’d the Destruction of *Rome*; nor do I think that it
 “ did much better in *Lacedemon*, as I shall shew anon.

“ THIRDLY, That it is insufficient to keep out Monarchy can-
 “ not without impiety be deny’d, the holy Scriptures bearing witness,
 “ that the Common-wealth of *Israel*, notwithstanding her Agrarian,
 “ submitted her neck to the arbitrary Yoke of her Princes.

“ FOURTHLY, Therefore to come to my next Assertion,
 “ That it is destructive to Families; this also is so apparent, that it
 “ needs pity rather than proof. Why, alas, do you bind a Nobility
 “ (which no Generation shall deny to have been the first that freely
 “ sacrific’d their Blood to the antient Liberties of this People) on an
 “ unholy Altar? Why are the People taught, That their Liberty,
 “ which, except our noble Ancestors had been born, must have long
 “ since been bury’d, cannot now be born except we be bury’d? A
 “ Common-wealth should have the innocence of the Dove. Let us
 “ leave this purchase of her Birth to the Serpent, which eats it self
 “ out of the womb of its Mother.

“ FIFTHLY, But it may be said, perhaps, that we are fallen
 “ from our first Love, become proud and idle. It is certain, my
 “ Lords that the hand of God is not upon us for nothing. But take
 “ heed how you admit of such assaults and fallies upon Men’s Estates,
 “ as may slacken the Nerve of Labour, and give others also reason to
 “ believe that their Sweat is vain; or else, whatsoever be pretended,
 “ your Agrarian (which is my Fifth Assertion) must indeed destroy
 “ Industry. For, that so it did in *Lacedemon* is most apparent, as also
 “ that it could do no otherwise, where every Man having his 40
 “ Quarters of Barley, with Wine proportionable, supply’d him out of
 “ his

" his own Lot by his Labourer or Helot; and being confin'd in that
 " to the scantling above which he might not live, there was not any
 " such thing as a Trade, or other Art, except that of War, in ex-
 " ercise. Wherefore a *Spartan*, if he were not in Arms, must sit and
 " play with his fingers, whence insu'd perpetual War, and, the Estate
 " of the City being as little capable of increase as that of the Citizens,
 " her inevitable Ruin. Now what better ends you can propose to
 " your selves in the like ways, I do not so well see as I perceive that
 " there may be worse: For *Lacedemon* yet was free from Civil War:
 " But if you employ your Citizens no better than she did, I cannot
 " promise you that you shall fare so well, because they are still desi-
 " rous of War that hope it may be profitable to them; and the strong-
 " est Security you can give of Peace, is to make it gainful. Otherwise
 " Men will rather choose that whereby they may break your Laws,
 " than that whereby your Laws may break them. Which I speak not
 " so much in relation to the Nobility or such as would be holding, as
 " to the People or them that would be getting; the passion in these
 " being so much the stronger, as a Man's felicity is weaker in the
 " fruition of things, than in their prosecution and increase.

" TRULY, my Lords, it is my fear, that by taking of more
 " hands, and the best from Industry, you will further indamage it,
 " than can be repair'd by laying on a few, and the worst; while the
 " Nobility must be forc'd to send their Sons to the Plow, and, as if
 " this were not enough, to marry their Daughters also to Farmers.

" SIXTHLY, But I do not see (to come to the last point) how
 " it is possible that this thing should be brought about, to your good
 " I mean, tho' it may to the destruction of many. For that the Agra-
 " rian of *Israel*, or that of *Lacedemon* might stand, is no such mi-
 " racle; the Lands, without any consideration of the former Pro-
 " prietor, being survey'd and cast into equal Lots, which could nei-
 " ther be bought, nor sold, nor multiply'd: so that they knew where-
 " about to have a Man. But in this Nation no such Division can be
 " introduc'd, the Lands being already in the hands of Proprietors,
 " and such whose Estates lie very rarely together, but mix'd one with
 " another; being also of Tenures in nature so different, that as there
 " is no experience that an Agrarian was ever introduc'd in such a case,
 " so there is no appearance how, or reason why it should: but that
 " which is against Reason and Experience is impossible.

THE case of my Lord PHILAUTUS was the most concern'd in
 the whole Nation; for he had four younger Brothers, his Father be-
 ing yet living to whom he was Heir of ten thousand Pounds a year.
 Wherefore being a Man both of good Parts and Esteem, his Words
 wrought both upon Men's Reason and Passions, and had born a stroke
 at the head of the business, if my Lord ARCHON had not interpos'd
 the Buckler in this Oration.

My Lords, the Legislators of Oceana.

" MY Lord PHILAUTUS has made a thing which is easy to
 " seem hard; if the Thanks were due to his Eloquence, it
 " would be worthy of less praise, than that he owes it to his Merit
 " and

“ and the Love he has most deservedly purchas'd of all Men: nor is
 “ it rationally to be fear'd, that he who is much beforehand in his
 “ private, should be in arrear in his public Capacity. Wherefore my
 “ Lord's tenderneſs throughout his Speech ariſing from no other Prin-
 “ ciple than his Sollicitude left the Agrarian ſhould be hurtful to his
 “ Country; it is no leſs than my duty to give the beſt ſatisfaction I am
 “ able to ſo good a Patriot, taking every one of his Doubts in the Or-
 “ der propos'd. And,

“ F I R S T, Whereas my Lord, upon obſervation of the modern
 “ Common-wealths, is of opinion, that an Agrarian is not neceſſary:
 “ It muſt be confeſt, that at the firſt ſight of them there is ſome
 “ appearance favouring his Aſſertion, but upon Accidents of no prece-
 “ dent to us. For the Common-wealths of *Switzerland* and *Holland*, I
 “ mean of thoſe Leagues, being ſituated in Countries not alluring the In-
 “ habitants to Wantonneſs, but obliging them to univerſal Induſtry,
 “ have an implicit Agrarian in the nature of them: and being not ob-
 “ noxious to a growing Nobility (which, as long as their former
 “ Monarchies had ſpread the wing over them, could either not at all
 “ be hatch'd, or was ſoon broken) are of no example to us, whoſe
 “ Experience in this point has been to the contrary. But what if even
 “ in theſe Governments there be indeed an explicit Agrarian? For
 “ when the Law commands an equal or near equal diſtribution of a
 “ Man's Eſtate in Land among his Children, as it is done in thoſe
 “ Countries, a Nobility cannot grow; and ſo there needs no Agra-
 “ rian; or rather there is one. And for the growth of the Nobility
 “ in *Venice* (if ſo it be, for MACHIAVEL obſerves in that Re-
 “ public, as a cauſe of it, a great mediocrity of Eſtates) it is not a
 “ point that ſhe is to fear, but might ſtudy, ſeeing ſhe conſiſts of no-
 “ thing elſe but Nobility; by which, whatever their Eſtates ſuck from
 “ the People, eſpecially if it comes equally, is digeſted into the better
 “ Blood of that Common-wealth, which is all; or the greateſt benefit
 “ they can have by accumulation. For how unequal ſoever you will
 “ have them to be in their Incomes, they have Officers of the Pomp;
 “ to bring them equal in expences, or at leaſt in the oſtentation or ſhew
 “ of them. And ſo unleſs the advantage of an Eſtate conſiſts more
 “ in the meaſure than in the uſe of it, the Authority of *Venice* does
 “ but enforce our Agrarian; nor ſhall a Man evade or elude the Pru-
 “ dence of it, by the Authority of any other Common-wealth. For
 “ if a Common-wealth has been introduc'd at once, as thoſe of *Iſrael*
 “ and *Lacedemon*, you are certain to find her underlaid with this as the
 “ main Foundation; nor, if ſhe is oblig'd more to Fortune than Pru-
 “ dence, as ſhe rais'd her head without muſing upon this matter, as
 “ appears by that of *Athens*, which thro' her defect in this point, ſays
 “ ARISTOTLE, introduc'd her *Oſtraciſm*, as moſt of the Demo-
 “ cracies of *Greece*. But, not to reſtrain a Fundamental of ſuch la-
 “ titude to any one kind of Government, do we not yet ſee, that if
 “ there be a ſole Landlord of a vaſt Territory, he is the *Turk*? That
 “ if a few Landlords over-balance a populous Country, they have ſtore
 “ of Servants? That if a People be in an equal balance, they can have
 “ no Lords? That no Government can otherwiſe be erected, than
 “ upon ſome one of theſe Foundations? That no one of theſe Foun-
 “ dations (each being elſe apt to change into ſome other) can give
 “ any ſecurity to the Government, unleſs it be fix'd? That thro' the

Polit. 1 3. c. 9.

Polit. 1. 5. c. 3.

“ want of this fixation, potent Monarchies and Common-wealths have
 “ fallen upon the heads of the People, and accompanied their own sad
 “ Ruins with vast effusions of innocent Blood? Let the Fame, as was
 “ the merit of the antient Nobility of this Nation, be equal to, or
 “ above what has been already said, or can be spoken; yet have we
 “ seen not only their Glory, but that of a Throne, the most indulgent
 “ to, and least invasive for so many Ages upon the Liberty of a People
 “ that the World has known, thro’ the mere want of fixing her foot
 “ by a proportionable Agrarian upon her proper Foundation, to have
 “ fallen with such horror, as has been a Spectacle of Astonishment to the
 “ whole Earth. And were it well argu’d from one Calamity, that
 “ we ought not to prevent another? Nor is ARISTOTLE so good
 “ a Common-wealthsman for deriding the Invention of PHALEAS, as
 “ in recollecting himself, where he says, that Democracies, when a
 “ less part of their Citizens over-top the rest in Wealth, degenerate
 “ into Oligarchies and Principalities: and, which comes nearer to the
 “ present purpose, that the greater part of the Nobility of *Tarentum*
 “ coming accidentally to be ruin’d, the Government of the Few came
 “ by consequence to be chang’d into that of the Many.

“ THESE things consider’d, I cannot see how an Agrarian, as
 “ to the fixation or security of a Government, can be less than necessa-
 “ ry. And if a Cure be necessary, it excuses not the Patient, his
 “ Disease being otherwise desperate, that it is dangerous; which was
 “ the case of *Rome*, not so stated by MACHIAVEL, where he
 “ says, *That the strife about the Agrarian caus’d the Destruction of that*
 “ *Common-wealth.* As if when a Senator was not rich (as CRASSUS
 “ held) except he could pay an Army, that Common-wealth could
 “ expect nothing but Ruin, whether in strife about the Agrarian, or
 “ without it. * *Of late, says LIVY, Riches have introduc’d Awa-*
 “ *rice; and voluptuous Pleasures abounding have thro’ Lust and Luxury*
 “ *begot a desire of blasting and destroying all good Orders.* If the greatest
 “ Security of a Common-wealth consists in being provided with the
 “ proper Antidote against this Poison, her greatest danger must be
 “ from the absence of an Agrarian, which is the whole truth of the
 “ *Roman* example. For the *Laconic*, I shall reserve the farther expli-
 “ cation of it, as my Lord also did, to another place: and first see
 “ whether an Agrarian proportion’d to a popular Government be
 “ sufficient to keep out Monarchy. My Lord is for the Negative,
 “ and fortify’d by the People of *Israel* electing a King. To which I
 “ say, That the Action of the People therein express’d is a full Answer to
 “ the Objection of that example: For the Monarchy neither grew
 “ upon them, nor could, by reason of the Agrarian, possibly have
 “ invaded them, if they had not pull’d it upon themselves by the
 “ election of a King. Which being an accident, the like whereof is
 “ not to be found in any other People so planted, nor in this, till, as it
 “ is manifest, they were given up by God to infatuation (for says he
 “ to SAMUEL, *They have not rejected thee, but they have rejected Me,*
 “ *that I should not reign over them*) has something in it which is appa-
 “ rent, by what went before, to have been besides the course of Na-
 “ ture, and by what follow’d. For the King having no other Foun-

* Nuper divitiæ avaritiam, & abundantes voluptates desiderium, per luxum atque libidinem, pereundi perdendique omnia invexere. *Liv. in Præf.*

" dation than the Calamities of the People, so often beaten by their
 " Enemies, that despairing of themselves, they were contented with
 " any change; if he had Peace as in the days of SOLOMON, left but
 " a slippery Throne to his Successor, as appear'd by REHOBOAM.
 " And the Agrarian, notwithstanding the Monarchy thus introduc'd,
 " so faithfully preserv'd the Root of that Common-wealth, that it
 " shot forth oftner, and by intervals continu'd longer than any other
 " Government, as may be computed from the Institution of the same
 " by JOSHUA, 1465 years before CHRIST, to the total dissolution
 " of it, which happened in the Reign of the Emperor ADRIAN,
 " 135 years after the Incarnation. A People planted upon an equal
 " Agrarian, and holding to it, if they part with their Liberty, must
 " do it upon good will, and make but a bad title of their Bounty.
 " As to instance yet further in that which is propos'd by the present
 " Order to this Nation, the Standard whereof is at 2000 *l.* a year:
 " The whole Territory of *Oceana* being divided by this proportion,
 " amounts to 5000 Lots. So the Lands of *Oceana* being thus distri-
 " buted, and bound to this Distribution, can never fall to fewer than
 " five thousand Proprietors. But five thousand Proprietors so seiz'd
 " will not agree to break the Agrarian, for that were to agree to rob
 " one another; nor to bring in a King, because they must maintain
 " him, and can have no benefit by him; nor to exclude the People,
 " because they can have as little by that, and must spoil their Militia.
 " So the Common-wealth continuing upon the balance propos'd, tho'
 " it should come into five thousand hands, can never alter; and that
 " it should ever come into five thousand hands, is as improbable as any
 " thing in the World that is not altogether impossible.

" MY Lord's other Considerations are more private: As that this
 " Order destroys Families; which is as if one should lay the ruins of
 " some antient Castle to the Herbs which usually grow out of them;
 " the destruction of those Families being that indeed which naturally
 " produc'd this Order. For we do not now argue for that which
 " we would have, but for that which we are already possess'd of;
 " as would appear, if a note were but taken of all such as have at
 " this day above two thousand Pounds a year in *Oceana*. If my Lord
 " should grant (and I will put it with the most) that they who are
 " Proprietors in Land, exceeding this proportion, exceed not three
 " hundred; with what brow can the Interest of so few be balanc'd
 " with that of the whole Nation? or rather, what Interest have
 " they to put in such a Balance? They would live as they have been
 " accusom'd to do; Who hinders them? They would enjoy their
 " Estates; who touches them? They would dispose of what they have
 " according to the Interest of their Families: It is that which we de-
 " fire. A Man has one Son; let him be call'd: Would he enjoy his
 " Father's Estate? It is his, his Son's, and his Son's Son's after him.
 " A Man has five Sons; let them be call'd: Would they enjoy their
 " Father's Estate? It is divided among them: for we have four Votes
 " for one in the same Family, and therefore this must be the Interest of
 " the Family, or the Family knows not its own Interest. If a Man
 " shall dispute otherwise, he must draw his Arguments from Custom,
 " and from Greatness, which was the Interest of the Monarchy, not
 " of the Family: and we are now a Common-wealth. If the Mo-
 " narchy could not bear with such Divisions because they tended to a
 " Com-

" Common-wealth; neither can a Common-wealth connive at such
 " Accumulations, because they tend to a Monarchy. If the Monarchy
 " might make bold with so many for the good of one, we may make
 " bold with one for the good of so many; nay, for the good of all.
 " My Lords, it comes into my mind, that which upon occasion of the
 " variety of Parties enumerated in our late Civil Wars, was said by a
 " Friend of mine coming home from his Travels, about the latter
 " end of these Troubles; That he admir'd how it came to pass, that
 " younger Brothers, especially being so many more in number than
 " their Elder, did not unite as one man against a Tyranny, the like
 " whereof has not been exercis'd in any other Nation. And truly,
 " when I consider that our Countrymen are none of the worst natur'd,
 " I must confess I marvel much how it comes to pass, that we should
 " use our Children as we do our Puppies; take one, lay it in the lap,
 " feed it with every good bit, and drown five: nay yet worse; for-
 " asmuch as the Puppies are once drown'd, whereas the Children are
 " left perpetually drowning. Really, my Lords, it is a flinty Cu-
 " stom! And all this for his cruel Ambition, that would raise himself
 " a Pillar, a golden Pillar for his Monument, tho' he has Children,
 " his own reviving Flesh, and a kind of Immortality. And this is
 " that Interest of a Family, for which we are to think ill of a Govern-
 " ment that will not indure it. But quiet your selves: The Land
 " thro' which the River *Nilus* wanders in one stream, is barren; but
 " where it parts into seven, it multiplies its fertile shores by distribut-
 " ing, yet keeping and improving such a Propriety and Nutrition, as
 " is a prudent Agrarian, to a well order'd Common-wealth.

" N O R (to come to the fifth Assertion) is a political Body render'd
 " any fitter for Industry, by having one gouty and another wither'd
 " Leg, than a natural. It tends not to the improvement of Mer-
 " chandize that there be some who have no need of their Trading, and
 " others that are not able to follow it. If Confinement discourages
 " Industry, an Estate in Money is not confin'd; and lest Industry
 " should want whereupon to work, Land is not ingroft or entail'd
 " upon any man, but remains at its devotion. I wonder whence the
 " computation can arise, that this should discourage Industry. Two
 " thousand Pounds a year a man may enjoy in *Oceana*, as much in
 " *Panopea*, five hundred in *Marpesia*: There be other Plantations, and
 " the Common-wealth will have more. Who knows how far the
 " Arms of our Agrarian may extend themselves? and whether he
 " that might have left a Pillar, may not leave a Temple of many
 " Pillars to his more pious Memory? Where there is some measure in
 " Riches, a man may be rich; but if you will have them to be in-
 " finite, there will be no end of starving himself, and wanting what he
 " has: and what pains does such a one take to be poor! Furthermore,
 " if a man shall think that there may be an Industry less greasy, or
 " more noble, and so cast his thoughts upon the Common-wealth,
 " he will have leisure for her, and the Riches and Honours for him;
 " his Sweat shall smell like ALEXANDER'S. My Lord PHILAU-
 " TUS is a young Man, who enjoying his ten thousand Pounds a
 " year, may keep a noble House in the old way, and have homely
 " Guests; and having but two, by the means propos'd, may take the
 " upper hand of his great Ancestors: with reverence to whom, I
 " may say, there has not been one of them would have disputed his
 " place

“ place with a *Roman* Consul. My Lord, do not break my heart;
 “ the Nobility shall go to no other Plows than those from which we
 “ call our Consuls. But, says he, it having been so with *Lacedemon*,
 “ that neither the City nor the Citizens were capable of increase, a
 “ blow was given by that Agrarian, which ruin’d both. And what
 “ are we concern’d with that Agrarian, or that blow, while our Citi-
 “ zens and our City (and that by our Agrarian) are both capable of
 “ increase? The *Spartan*, if he made a Conquest, had not Citizens to
 “ hold it; the *Oceaner* will have enow: the *Spartan* could have no
 “ Trade, the *Oceaner* may have all. The Agrarian in *Laconia*, that
 “ it might bind on Knapfaks, forbidding all other Arts but that of
 “ War, could not make an Army of above 30000 Citizens. The Agra-
 “ rian in *Oceana* without interruption of Traffic, provides us in the
 “ fifth part of the Youth an annual source or fresh spring of 100,000,
 “ besides our Provincial Auxiliaries, out of which to draw marching
 “ Armies; and as many Elders, not feeble, but men most of them in
 “ the flower of their Age, and in Arms for the defence of our Ter-
 “ ritories. The Agrarian in *Laconia* banish’d Money, this multiplies it:
 “ That allow’d a matter of twenty or thirty Acres to a man; this
 “ two or three thousand: There is no comparison between them.
 “ And yet I differ so much from my Lord, or his Opinion that the
 “ Agrarian was the ruin of *Lacedemon*, that I hold it no less than de-
 “ monstrable to have been her main support. For if, banishing all other
 “ diversions, it could not make an Army of above 30000; then
 “ letting in all other diversions, it must have broken that Army.
 “ Wherefore *LYSANDER* bringing in the golden spoils of *Athens*,
 “ irrecoverably ruin’d that Common-wealth; and is a warning to us,
 “ than in giving encouragement to Industry, we also remember, that
 “ Covetousness is the root of all Evil. And our Agrarian can never be
 “ the cause of those Seditions threaten’d by my Lord, but is the pro-
 “ per cure of them, as * *LUCAN* notes well in the State of *Rome* be-
 “ fore the Civil Wars, which happen’d thro’ the want of such an An-
 “ tidote

“ Why then are we mistaken, as if we intended not equal advan-
 “ tages in our Common-wealth to either Sex, because we would not
 “ have Women’s Fortunes consist in that mettall, which exposes them
 “ to Cutpurfes? If a man cuts my Purse, I may have him by the heels,
 “ or by the neck for it; whereas a man may cut a woman’s purse,
 “ and have her for his pains in fetters. How brutish, and much more
 “ than brutish, is that Common-wealth, which prefers the Earth be-
 “ fore the fruits of her Womb? If the People be her Treasure, the
 “ staff by which she is sustain’d and comforted, with what Justice can
 “ she suffer them, by whom she is most enrich’d, to be for that cause
 “ the most impoverish’d? And yet we see the Gifts of God, and the
 “ Bounties of Heaven in fruitful Families, thro’ this wretched custom
 “ of marrying for Money, become their insupportable grief and pover-
 “ ty. Nor falls this so heavy upon the lower sort, being better able
 “ to shift for themselves, as upon the Nobility or Gentry. For what
 “ avails it in this case, from whence their Veins have deriv’d rheir

* Hunc usura vorax, rapidumque in tempore Fœnus;
 Hinc concussa fides, & multis utile bellum.

" Blood; while they shall see the Tallow of a Chandler sooner convert-
 " ed into that Beauty which is requir'd in a Bride? I appeal, whether
 " my Lord PHILAUTUS or my self be the Advocate of Nobility;
 " against which in the case propos'd by me, there would be nothing
 " to hold the balance. And why is a Woman, if she may have but
 " fifteen hundred pounds, undone? If she be unmarried, what Noble-
 " man allows his Daughter in that case a greater Revenue, than so
 " much Money may command? And if she marry, no Nobleman can
 " give his Daughter a greater portion than she has. Who is hurt in
 " this case? nay, who is not benefited? If the Agrarian gives us the
 " sweat of our brows without diminution; if it prepares our Ta-
 " ble, if it makes our Cup to overflow; and above all this, in pro-
 " viding for our Children, anoints our Heads with that Oil which
 " takes away the greatest of wordly cares; what man, that is not be-
 " fotted with a Covetousness as vain as endless, can imagine such a
 " Constitution to be his Poverty? seeing where no woman can be con-
 " siderable for her portion, no portion will be considerable with a wo-
 " man; and so his Children will not only find better preferments with-
 " out his Brokage, but more freedom of their own Affections. We
 " are wonderful severe in Laws, that they shall not marry without our
 " consent; as if it were care and tenderness over them: But is it not,
 " lest we should not have the other thousand Pounds with this Son, or
 " the other hundred Pounds a year more in Jointure for that Daugh-
 " ter? These, when we are cross'd in them, are the Sins for which we
 " water our couch with tears, but not of Penitence; seeing whereas it
 " is a mischief beyond any that we can do to our Enemies, we persist
 " to make nothing of breaking the Affection of our Children. But
 " there is in this Agrarian a Homage to pure and spotless Love, the con-
 " sequence whereof I will not give for all your Romances. An Alder-
 " man makes not his Daughter a Countess till he has given her 20000 *l.*
 " nor a Romance a considerable Mistress till she be a Princess; these are
 " Characters of bastard Love. But if our Agrarian excludes Ambi-
 " tion and Covetousness, we shall at length have the care of our own
 " breed, in which we have been curious as to our Dogs and Hor-
 " ses. The Marriage-Bed will be truly legitimate, and the Race of
 " the Common-wealth not spurious.

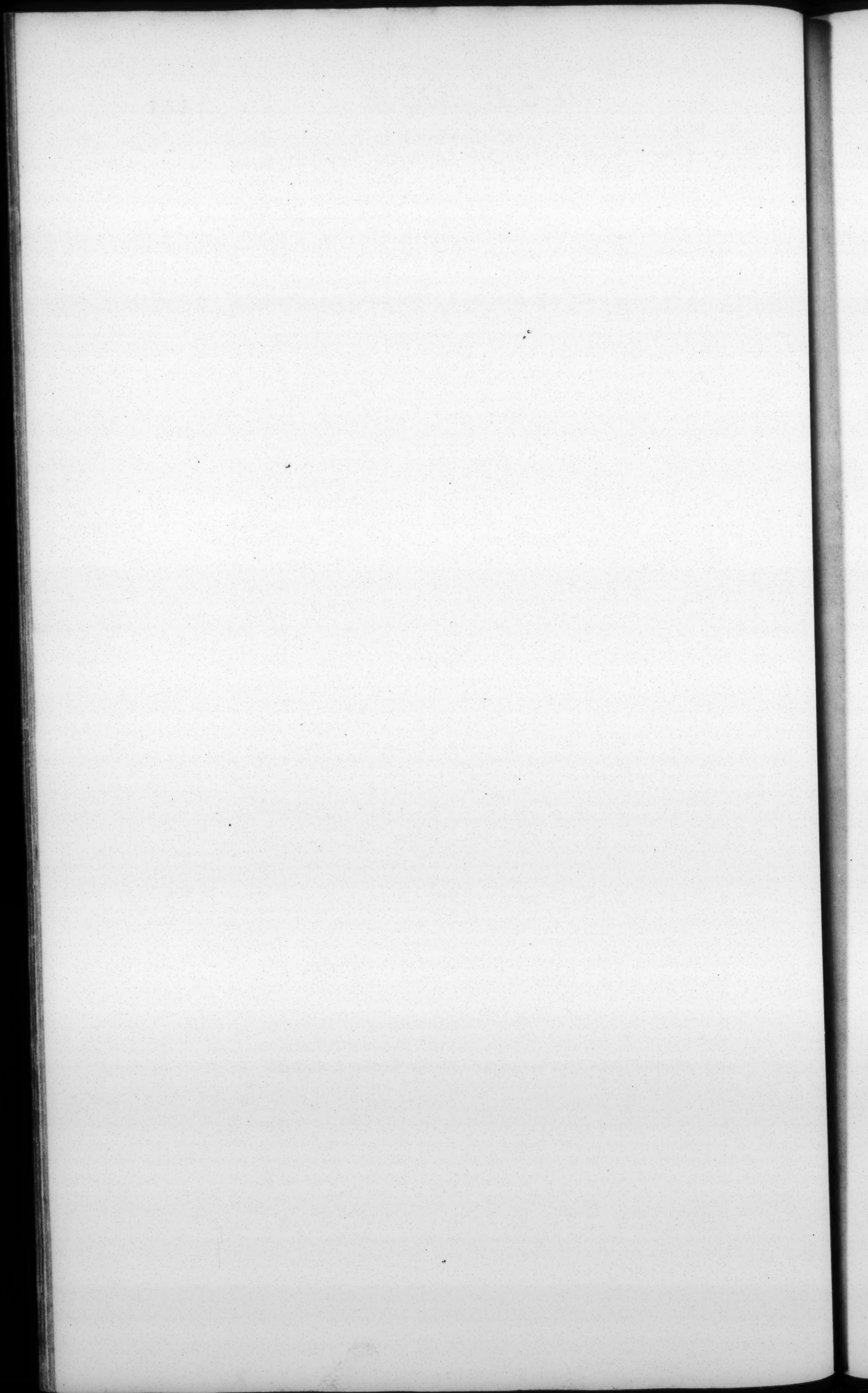
" BUT (*impar magnanimis ausis, imparque dolori*) I am hurl'd from
 " all my hopes by my Lords last assertion of Impossibility, that the
 " Root from whence we imagine these Fruits, should be planted or
 " thrive in this Soil. And why? because of the mixture of Estates, and
 " variety of Tenures. Nevertheless, there is yet extant in the *Exche-*
 " *quer* an old Survey of the whole Nation; wherefore such a thing is
 " not impossible. Now if a new Survey were taken at the present
 " rates, and the Law made, that no man should hold hereafter above
 " so much Land as is valu'd therein at 2000 *l.* a year, it would amount
 " to a good and sufficient Agrarian. It is true, that there would remain
 " some difficulty in the different kind of Rents, and that it is a matter
 " requiring not only more leisure than we have, but an Authority
 " which may be better able to bow men to a more general Consent,
 " than is to be wrought out of them by such as are in our capacity.
 " Wherefore, as to the manner, it is necessary that we refer it to the
 " Parliament; but as to the matter, they cannot otherwise fix their
 " Government upon the right Balance.

“ I SHALL conclude with a few words to some parts of the
 “ Order, which my Lord has omitted. As first to the Consequences
 “ of the Agrarian to be settled in *Marpesia*, which irreparably breaks
 “ the Aristocracy of that Nation; being of such a nature, as standing,
 “ it is not possible that you should govern. For while the People of that
 “ Country are little better than the Cattle of the Nobility, you must
 “ not wonder if according as these can make their Markets with fo-
 “ reign Princes, you find those to be driven upon your Grounds. And
 “ if you be so tender, now you have it in your Power, as not to hold
 “ a hand upon them that may prevent the slaughter which must other-
 “ wise ensue in like cases, the Blood will lie at your door. But in hold-
 “ ing such a hand upon them, you may settle the Agrarian; and in
 “ settling the Agrarian, you give that People not only Liberty, but
 “ Lands; which makes your Protection necessary to their Security;
 “ and their Contribution due to your Protection, as to their own Safety.
 “ FOR the Agrarian of *Panopea*, it allowing such proportions of
 “ so good Land, men that conceive themselves straitned by this in
 “ *Oceana*, will begin there to let themselves forth, where every Citi-
 “ zen will in time have his *Villa*. And there is no question, but the
 “ improvement of that Country by this means must be far greater than
 “ it has been in the best of former times.

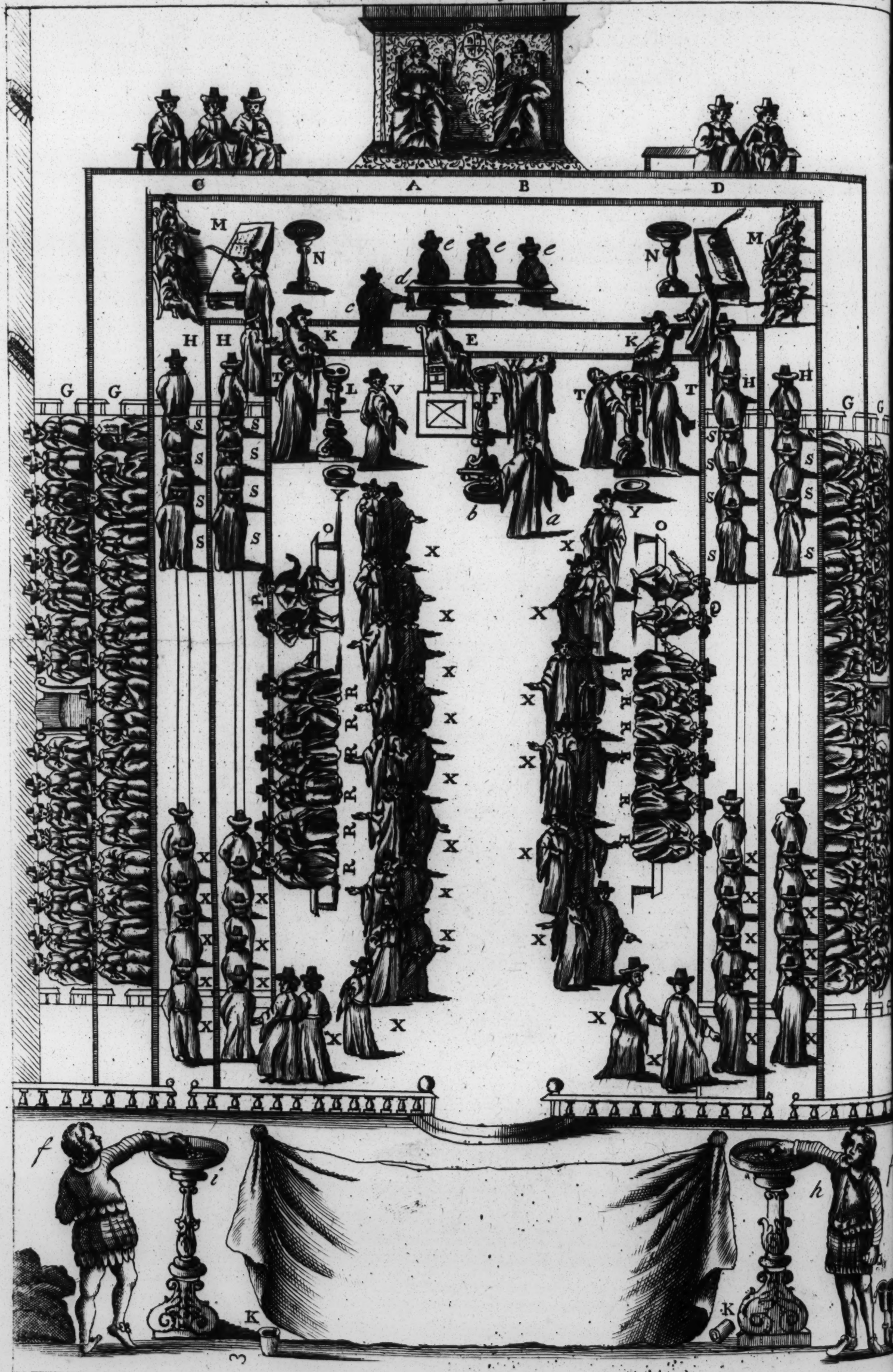
“ I HAVE no more to say, but that in those antient and heroic
 “ Ages (when men thought that to be necessary which was virtuous)
 “ the Nobility of *Athens* having the People so much engag'd in their
 “ debt, that there remain'd no other question among these, than
 “ which of those should be King, no sooner heard *SOLON* speak
 “ than they quitted their Debts, and restor'd the Common-wealth;
 “ which ever after held a solemn and annual Feast call'd the *Sisæthia*
 “ or *Recifion*, in memory of that Action. Nor is this example the
 “ *Phœnix*; for at the institution by *LYCURGUS*, the Nobility having
 “ Estates (as ours here) in the Lands of *Laconia*, upon no other va-
 “ luable consideration than the Common-wealth propos'd by him,
 “ threw them up to be parcel'd by his Agrarian. But now when no
 “ man is desir'd to throw up a farthing of his Money, or a shovel full
 “ of his Earth, and that all we can do is but to make a virtue of ne-
 “ cessity; we are disputing whether we should have Peace or War:
 “ For Peace you cannot have without some Government, nor any
 “ Government without the proper Balance. Wherefore if you will
 “ not fix this which you have, the rest is Blood, for without Blood
 “ you can bring in no other.

BY these Speeches made at the Institution of the Agrarian, you
 may perceive what were the Grounds of it. The next is

THE fourteenth ORDER, constituting the Ballot of *Venice*, as 14. Order.
 it is fitted by several Alterations, and appointed to every Assembly,
 to be the constant and only way of giving suffrage in this Common-
 wealth, according to the following Scheme.







I SHALL endeavour by the preceding Figure to demonstrate the Manner of the *VENETIAN BALLOT* (a thing as difficult in discourse or writing, as facile in practice) according to the use of it in *Oceana*. The whole Figure represents the Senate, containing, as to the House or form of sitting, a square and a half; the Tribunal at the upper end being ascended by four steps. On the uppermost of these sit the Magistrates that constitute the Signory of the Common-wealth, that is to say, A the Strategus; B the Orator; C the three Commissioners of the Great Seal; D the three Commissioners of the Treasury, whereof one, E, exercises for the present the Office of a Cenfor at the middle Urn F.

TO the two upper steps of the Tribunal answer G G. G G. the two long Benches next the Wall on each side of the House; the outwardmost of which are equal in height to the uppermost step, and the innermost equal in height to the next. Of these four Benches consists the first Seat; as the second Seat consists in like manner of those four Benches H H. H H. which being next the Floor, are equal in height to the two nethermost steps of the Throne. *So the whole House is distributed into two Seats, each consisting of four Benches.*

THIS distribution causes not only the greater conveniency, as will be shewn, to the Senators in the exercise of their Function at the Ballot, but a greater grace to the aspect of the Senate. In the middle of the outward Benches stand I. I. the chairs of the Cenfors, those being their ordinary places, tho' upon occasion of the Ballot they descend, and sit where they are shewn by K. K. at each of the outward Urns L. L. Those M. M. that sit with their Tables, and the Bowls N. N. before them, upon the half space or second step of the Tribunal from the floor, are the Clerks or Secretaries of the House. Upon the short Seats O. O. on the floor (which should have been represented by Woolfacks) sit P the two Tribunes of the Horse; Q the two Tribunes of the Foot; and R R. R R. the Judges: all which Magistrates are Assistants, but have no suffrage. This posture of the Senate consider'd the Ballot is perform'd as follows.

FIRST, whereas the gold Balls are of several futes, and accordingly mark'd with several Letters of the Alphabet, a Secretary presents a little Urn (wherein there is one Ball of every fute or mark) to the Strategus and the Orator; and look what Letter the Strategus draws, the same and no other is to be us'd for that time in the middle Urn F; the like for the Letter drawn by the Orator is to be observ'd for the side Urns L. L. that is to say, if the Strategus drew a Ball with an *A*, all the gold Balls in the middle Urn for that day are mark'd with the Letter *A*; and if the Orator drew a *B*, all the gold Balls in the side Urn for that day are mark'd with the Letter *B*: which done immediately before the Ballot, and so the Letter unknown to the Ballotants, they can use no fraud or jugling; otherwise a man might carry a gold Ball in his hand, and seem to have drawn it out of an Urn. He that draws a gold Ball at any Urn, delivers it to the Cenfor or Assessor of that Urn, who views the Character, and allows accordingly of his Lot.

THE Strategus and the Orator having drawn for the Letters, the Urns are prepar'd accordingly by one of the Commissioners and the

two Censors. The preparation of the Urns is after this manner. If the Senate be to elect, for example, the List call'd the *Tropic of Magistrates*, which is this;

1. *The Lord STRATEGUS;*
2. *The Lord ORATOR;*
3. *The third COMMISSIONER of the Great Seal;*
4. *The third COMMISSIONER of the Treasury;*
5. *The first CENSOR;*
6. *The second CENSOR;*

This List or Schedule consists of six Magistracies, and to every Magistracy there are to be four Competitors, that is, in all four and twenty Competitors propos'd to the House. They that are to propose the Competitors are call'd Electors, and no Elector can propose above one Competitor: wherefore for the proposing of four and twenty Competitors you must have four and twenty Electors; and whereas the Ballot consists of a *Lot* and of a *Suffrage*, the Lot is for no other use than for the designation of Electors; and he that draws a gold Ball at the middle Urn is an Elector. Now, as to have four and twenty Competitors propos'd, you must have four and twenty Electors made; so to have four and twenty Electors made by lot, you must have four and twenty gold Balls in the middle Urn; and these (because otherwise it would be no Lot) mix'd with a competent number of Blanks, or silver Balls. Wherefore to the four and twenty gold Balls cast six and twenty silver ones, and those (reckoning the Blanks with the Prizes) make fifty Balls in the middle Urn. This done (because no man can come to the middle Urn that has not first drawn a gold Ball at one of the side Urns) and to be sure that the Prizes or gold Balls in this Urn be all drawn, there must come to it fifty persons: therefore there must be in each of the side Urns five and twenty gold Balls, which in both come to fifty; and to the end that every Senator may have his Lot, the gold Balls in the side Urns are to be made up with Blanks equal to the number of the Ballotans at either Urn: for example, the House consisting of 300 Senators, there must be in each of the side Urns 125 Blanks and 25 Prizes, which come in both the side Urns to 300 Balls. This is the whole Mystery of preparing the Urns, which the Censors having skill to do accordingly, the rest of the Ballot, whether the parties balloting understand it or no, must of necessary consequence come right; and they can neither be out nor fall into any confusion in the exercise of this Art.

BUT the Ballot, as I said, is of two parts, *Lot* and *Suffrage*, or the *Proposition* and *Result*. The Lot determines who shall propose the Competitors; and the Result of the Senate, which of the Competitors shall be the Magistrates. The whole, to begin with the Lot, proceeds in this manner.

The first Secretary with an audible Voice reads first the List of the Magistrates to be chosen for the day; then the Oath for fair Election, at which the Senators hold up their hands; which done another Secretary presents a little Urn to the Strategus, in which are four Balls, each of them having one of these four Inscriptions: *FIRST SEAT AT THE UPPER END. FIRST SEAT AT THE LOWER END. SECOND SEAT AT THE UPPER END.*

END. SECOND SEAT AT THE LOWER END.

and look which of them the Strategus draws, the Secretary pronouncing the Inscription with a loud Voice, the Seat so call'd comes accordingly to the Urns: this in the Figure is the *SECOND SEAT AT THE UPPER END*. The manner of their coming to the fide Urns is in double Files, there being two holes in the cover of each fide Urn, by which means two may draw at once. The Senators therefore SS. SS are coming from the upper end of their Seats HH. HH to the fide Urns L. L. The Senators TT. T. are drawing. The Senator V has drawn a gold Ball at his fide Urn, and is going to the middle Urn F, where the Senator W having done the like at the other fide Urn, is already drawing. But the Senators XX. XX having drawn Blanks at their fide Urns, and thrown them into the Bowls Y. Y. standing at the feet of the Urns, are marching by the lower end into their Seats again; the Senator *a* having done the like at the middle Urn, is also throwing his blank into the Bowl *b*, and marching to his Seat again: for a man by a prize at a fide Urn gains no more than right to come to the middle Urn, where if he draws a blank, his Fortune at the fide Urn comes to nothing at all; wherefore he also returns to his place. But the Senator *c* has had a Prize at the middle Urn, where the Commissioner having viewed his Ball, and found the mark to be right, he marches up the steps to the Seat of the Electors, which is the form *d* set cross the Tribunal, where he places himself according as he was drawn with the other Electors *eee* drawn before him. These are not to look back, but sit with their Faces towards the Signory or State, till their number amount to that of the Magistrates to be that day chosen, which for the present, as was shewn, are six; wherefore six Electors being made, they are reckon'd according as they were drawn: First, second, third, fourth, fifth, sixth, in their Order; and the first six that are chosen are the *FIRST ORDER OF ELECTORS*.

THE first Order of Electors being made, are conducted by a Secretary, with a copy of the List to be chosen, out of the Senate, and into a Committee or Council-Chamber, being neither suffer'd by the way, nor in their room (till the Ballot be ended) to have conference with any but themselves; wherefore the Secretary, having given them their Oath that they shall make Election according to the Law and their Conscience, delivers them the List, and seats himself, at the lower end of the Table with his Pen and Paper, while another Secretary keeps the Door.

BY such time as the first Order of Electors are thus seated, the second Order of Electors is drawn, who with a second Copy of the same List are conducted into another Committee-chamber, by other Secretaries performing the same Office with the former.

THE like exactly is done by the third and by the fourth Orders (or *Hands*, as the *Venetians* call them) of Electors; by which means you have the four and twenty Electors divided according to the four Copies of the same List, by six, into four Hands or Orders; and every one of these Orders names one Competitor to every Magistracy in the List; that is to say, the first Elector names to the first Magistracy, the second Elector to the second Magistracy, and so forth. But tho' the Electors, as has been shewn, are chosen by mere lot, yet the Competitors by them nam'd are not chosen

sen by any Lot, but by the Suffrage of the whole Order: For example; The first Elector in the first Order proposes a Name to be Strategus, which Name is balloted by himself and the other five Electors; and if the Name so balloted attain not to above half the Suffrages, it is laid aside, and the first Elector names another to the same Magistracy; and so in case this also fails, another, till one he has nam'd, whether it be himself, or some other, has attain'd to above half the Suffrages in the affirmative; and the name so attaining to above half the Suffrages in the Affirmative is written to the first Magistracy in the List by the Secretary; which being done, the second Elector of the first Order names to the second Magistracy till one of his nomination be chosen to the same. The like is done by the rest of the Electors of the first Order, till one Competitor be chosen, and written to every Magistracy in their List. Now the second, third, and fourth Orders of Electors doing exactly after the same manner, it comes to pass that one Competitor to every Magistracy being chosen in each Order, there be in all four Competitors chosen to every Magistracy.

IF any Controversy arises in an Order of Electors, one of the Censors (these being at this game the Groomporters) is advertis'd by the Secretary, who brings him in, and the Electors disputing are bound to acquiesce in his Sentence. For which cause it is that the Censors do not ballot at the Urns; the Signory also abstains, lest it should deform the House: wherefore the Blanks in the side Urns are by so many the fewer. And so much for the Lot, which is of the greater Art but less Consequence, because it concerns *Proposition* only: But all (except the Tribunes and the Judges, which being but Assistants have no Suffrage) are to ballot at the *Result*, to which I now come.

THE four Orders of Electors having perfected their Lists, the face of the House is chang'd: for the Urns are taken away, and every Senator and Magistrate is seated in his proper place, saving the Electors, who, having given their Suffrages already, may not stir out of their chambers, till the House have given theirs, and the rest of the Ballot be perform'd; which follows in this manner.

THE four Lists being presented by the Secretaries of each Council of Electors to the Signory, are first read, according to their Order, to the House with an audible Voice; and then the Competitors are put to the Ballot or Suffrage of the whole Senate in this manner: *A. A.* nam'd to be Strategus in the first Order; whereupon eight Ballotins or Pages, such as are express'd by the Figures *f. f.* take eight of the Boxes represented, tho' rudely, by the Figures *g. g.* and go four on the one, and four on the other side of the House, that is, one to every Bench, singing *A. A. nam'd to be the Strategus in the first Order*: and every Magistrate and Senator (beginning by the Strategus and the Orator first) holds up a little Pellet of Linen, as the Box passes, between his Finger and his Thumb, that men may see he has but one, and then puts it into the same. The Box consisting in the inner part of two Boxes, being painted on the outside white and green, to distinguish the Affirmative from the Negative side, is so made, that when your Hand is in it, no man can see to which of the sides you put the Suffrage, nor hear to which it falls, because the Pellet being Linen, makes no noise. The Strategus and the Orator having begun, all the rest do the like.

THE Ballotins having thus gather'd the Suffrages, bring them before the Signory, in whose presence the outward Boxes being open'd, they take out the inner Boxes, whereof the Affirmative is white, and the Negative green, and pour the white into the Bowl N on the right hand, which is white also, and the green into the Bowl N on the left, which is also green. These Bowls or Basons (better represented at the lower end of the Figure by *b. i.*) being upon this occasion set before the Tables of the Secretaries at the upper end N. N. the white on the right hand, and the green on the left, the Secretaries on each side number the Balls: by which if they find that the Affirmatives amount not to above one half, they write not the Name that was balloted; but if they amount to above one half, they write it, adding the number of above half the Suffrages to which it attain'd. The first name being written, or laid aside, the next that is put is B. B. nam'd to be Strategus in the second Order; the third C. C. nam'd to be Strategus in the third Order; the fourth D. D. nam'd to be Strategus in the fourth Order: and he of these four Competitors that has most above half in the Affirmative, is the Magistrate; or if none of them attain to above half, the nomination for that Magistracy is to be repeated by such new Electors as shall be chosen at the next Ballot. And so, as is exemplify'd in the first Magistracy, proceeds the Ballot of the rest; first in the first, then in the second, and so in the third and fourth Orders.

NOW whereas it may happen that A. A. (for example) being nam'd Strategus in the first Order, may also be nam'd to the same or some one or more other Magistracies in one or more of the other Orders; his name is first balloted where it is first written, that is, to the more worthy Magistracy, whereof if he misses, he is balloted as it comes in course for the next, and so for the rest, if he misses of that, as often as he is nam'd.

AND because to be nam'd twice, or oftner, whether to the same or some other Magistracy, is the stronger recommendation; the note must not fail to be given upon the name, at the proposition, in this manner; A. A. *nam'd to be Strategus in the first, and in the second Order*: or A. A. *nam'd to be Strategus in the first and the third; in the first and the fourth, &c.* But if he be nam'd to the same Magistracy in the first, second, third, and fourth Orders, he can have no Competitor; wherefore attaining to above half the Suffrages, he is the Magistrate. Or thus: A. A. *nam'd to be Strategus in the first, to be Censor in the second, to be Orator in the third, and to be Commissioner of the Seal in the fourth Order*, or the like in more or fewer Orders: In which cases if he misses of the first Magistracy, he is balloted to the second; if he misses of the second, to the third; and if he misses of the third, to the fourth.

THE Ballot not finish'd before Sunset, tho' the Election of the Magistrates already chosen be good, voids the Election of such Competitors as being chosen are not yet furnish'd with Magistracies, as if they had never been nam'd (for this is no Jugling Box, but an Art that must see the Sun) and the Ballot for the remaining Magistracies is to be repeated the next day by new Orders of Electors, and such Competitors as by them shall be elected. And so in the like manner, if of all the names propos'd to the same Magistracy, no one of them attains to above half the Suffrages in the Affirmative.

THE Senatorian Ballot of *Oceana* being thus describ'd, those of the Parish, of the Hundred, and of the Tribe, being so little different, that in this they are all contain'd, and by this may be easily understood,

H h

are

are yet fully describ'd, and made plain enough before in the 5th, 6th, 7th, 8th, 9th, and 10th Orders.

THIS therefore is the general Order, whence those branches of the Ballot, some whereof you have already seen, are deriv'd; which, with those that follow, were all read and debated in this place at the Institution. When my Lord EPIMONUS DE GARRULA, being one of the Counsellors, and having no farther patience (tho' the Rules were compos'd by the Agent of this Common-wealth, residing for that purpose at *Venice*) than to hear the direction for the Parishes, stood up and made way for himself in this manner.

May it please your Highness, my Lord ARCHON.

“ UNDER correction of Mr. PEREGRIN SPY, our very learn-
 “ ed Agent and Intelligencer, I have seen the World a little,
 “ *Venice*, and (as Gentlemen are permitted to do) the Great Coun-
 “ cil balloting. And truly I must needs say, that it is for a dumb shew
 “ the goodliest that I ever beheld with my eyes. You should have some
 “ would take it ill, as if the noble *Venetians* thought themselves too
 “ good to speak to strangers, but they observ'd them not so narrowly.
 “ The truth is, they have nothing to say to their Acquaintance; or
 “ Men that are in Council sure would have Tongues: For a Council,
 “ and not a word spoken in it, is a contradiction. But there is such a
 “ pudder with their marching and countermarching, as, tho' never a
 “ one of them draw a Sword, you would think they were training;
 “ which till I found that they did it only to entertain strangers, I came
 “ from among them as wise as I went thither. But in the Parliament
 “ of *Oceana* you had no Balls, nor Dancing, but sober Conversation;
 “ a man might know and be known, shew his parts, and improve
 “ 'em. And now if you take the advice of this same fellow, you will
 “ spoil all with his whimsies. *Mr. Speaker*, — Cry you mercy, my
 “ Lord ARCHON, I mean; Set the wisest man of your House in
 “ the Great Council of *Venice*, and you will not know him from a
 “ fool. Whereas nothing is more certain, than that flat and dull fel-
 “ lows in the judgment of all such as us'd to keep company with them
 “ before, upon election into our House, have immediately chitted like
 “ Barley in the fat, where it acquires a new Spirit, and flow'd forth in-
 “ to Language, that I am as confident as I am here, if there were not
 “ such as delight to abuse us, is far better than TULLY's; Or, let any
 “ body but translate one of his Orations, and speak it in the House,
 “ and see if every body do not laugh at him. This is a great matter,
 “ *Mr. Speaker*; they do not cant it with your Book learning, your Orbs,
 “ your Centers, your prime Magnitudes, and your Nebulones, things
 “ I profess that would make a sober man run stark mad to hear 'em;
 “ while we, who should be considering the Honour of our Country,
 “ and that it goes now or never upon our hand, whether it shall be ri-
 “ diculous to all the World, are going to Nineholes, or trow Madam
 “ for our business, like your dumb *Venetian*, whom this same Sir
 “ POLITIC your Resident, that never saw him do any thing but
 “ make faces, would insinuate into you, at this distance, to have the
 “ only knack of State. Whereas if you should take the pains, as I have
 “ done, to look a little nearer, you would find these same wonderful
 “ things

“ things to be nothing else but mere natural Fopperies, or *Capricios*, as
 “ they call them in *Italian*, even of the meanest of that Nation. For,
 “ put the case you be travelling in *Italy*, ask your *Contadino*, that is,
 “ the next Country fellow you meet, some question, and presently he
 “ ballots you an answer with a nod, which is affirmative; or a shake
 “ with his head, which is the negative box; or a shrug with his
 “ shoulder, which is the *Bossolo di non sinceri*—Good! You will
 “ admire SANDS for telling you, that *Grotta di Cane* is a Miracle:
 “ and I shall be laugh’d at for assuring you, that it is nothing else but
 “ such a damp (continu’d by the neighbourhood of certain Sulphur
 “ Mines) as thro’ accidental heat does sometimes happen in our Coalpits.
 “ But Ingratitude must not discourage an honest man from doing good.
 “ There is not, I say, such a tongue-ty’d Generation under Heaven as
 “ your *Italian*; that you should not wonder if he makes signs. But
 “ our People must have something in their Diurnals, we must ever
 “ and anon be telling ’em our minds; or if we be at it when we raise
 “ Taxes, like those Gentlemen with the finger and the thumb, they
 “ will swear that we are Cutpurfes.—Come, I know what I have heard
 “ ’em say, when some men had money that wrought hard enough for
 “ it; and do you conceive they will be better pleas’d when they shall
 “ be told, that upon like occasions you are at mumchance or stoolball?
 “ I do not speak for my self; for tho’ I shall always acknowledge, that
 “ I got more by one years sitting in the House, than by my three years
 “ Travels, it was not of that kind. But I hate that this same SPY,
 “ for pretending to have play’d at Billiards with the most Serene Com-
 “ mon-wealth of *Venice*, should make such fools of us here, when I
 “ know that he must have had his intelligence from some Corncutter
 “ upon the *Rialta*; for a noble *Venetian* would be hang’d if he should
 “ keep such a fellow-company. And yet if I do not think he has made
 “ you all dote, never trust me, my Lord ARCHON is sometimes in
 “ such strange Raptures. Why, good my Lord, let me be heard as
 “ well as your Apple Squire; *Venice* has fresh blood in her Cheeks, I
 “ must confess, yet she is but an old Lady. Nor has he pick’d her Ca-
 “ binet; these he sends you are none of her Receipts I can assure you,
 “ he bought them for a *Julio* at St. Marks of a Mountebank. She has
 “ no other wash, upon my knowledge, for that same envy’d Complexion
 “ of hers but her *Marshes*, being a little better scented, saving your
 “ presence, than a Chamberpot. My Lords, I know what I say, but
 “ you will never have done with it, That neither the Great *Turk*, nor
 “ any of those little *Turks* her Neighbours, have been able to spoil her!
 “ Why you may as well wonder that Weefels do not suck eggs in
 “ Swans nest. Do you think that it has lain in the Devotion of her
 “ Beads; which you that have puk’d so much at Popery, are now
 “ at length resolv’d shall consecrate *M. Parson*, and he drop’d by every
 “ one of his Congregation, while those same whimsical Intelligen-
 “ ces your Surveyors (you will break my heart) give the turn to
 “ your *primum mobile*? and so I think they will; for you will find,
 “ that Money is the *primum mobile*, and they will turn you this out of
 “ some three or four hundred thousand Pounds: a pretty Sum for
 “ Urns and Balls, for Boxes and Pills, which these same Quacksalvers
 “ are to administer to the Parishes; and for what Disease I marvel!
 “ Or how does it work? Out comes a Constable, an Overseer, and a
 “ Churchwarden! *Mr. Speaker*, I am amaz’d!

NEVER

NEVER was there Goose so stuck with Lard as my Lord EPIMONUS's Speech with Laughter; the ARCHON having much ado to recover himself, in such manner as might enable him to return these thanks.

“ I N your whole lives, my Lords, where you never entertain'd
 “ with so much Ingenuity; my Lord EPIMONUS having at
 “ once mended all the faults of Travellers. For, first, whereas
 “ they are abominable liars, he has not told you (except some mali-
 “ tious body has misinform'd him concerning poor SPY) one syllable
 “ of falshood. And, secondly, whereas they never fail to give the
 “ upper hand in all their Discourses to foreign Nations, still justling
 “ their own into the kennel; he bears an Honour to his Country
 “ that will not dissolve in *Cephalonia*, nor be corrupted with Figs
 “ and Melons, which I can assure you is no ordinary obligation:
 “ And therefore hold it a matter of public concern, that we be no
 “ occasion of quenching my Lord's Affections; nor is there any
 “ such great matter between us, but in my opinion might be easily
 “ reconcil'd: for tho' that which my Lord gain'd by sitting in the
 “ House, I stedfastly believe, as he can affirm, was got fairly;
 “ yet dare I not, nor do I think, that upon consideration he will
 “ promise so much for other Gamesters, especially when they were
 “ at it so high, as he intimates not only to have been in use, but to
 “ be like enough to come about again. Wherefore, say I, let them
 “ throw with boxes; for unless we will be below the Politics of
 “ an ordinary, there is no such bar to cogging. It is known to
 “ his Lordship, that our Game is *most at a throw*, and that every
 “ cast of our Dice is in our Suffrages; nor will he deny, that partiality
 “ in a Suffrage is downright cogging. Now if the *Venetian* Boxes
 “ be the most sovereign of all Remedies against this same cogging, is
 “ it not a strange thing that they should be thrown first into the fire
 “ by a fair Gamester? Men are naturally subject to all kinds of Passions:
 “ Some you have that are not able to withstand the brow
 “ of an Enemy; and others that make nothing of this, are less
 “ proof against that of a Friend. So that if your Suffrage be bare-
 “ fac'd, I dare say you shall not have one fair cast in twenty. But
 “ whatever a man's fortune be at the box, he neither knows whom
 “ to thank, nor whom to challenge. Wherefore (that my Lord may
 “ have a charitable opinion of the choice Affection with I confess
 “ to have, above all other Beauties, for that of incompareable *Venice*)
 “ there is in this way of Suffrage no less than a demonstration that
 “ it is the most pure: and the purity of the suffrage in a popular Government
 “ is the Health, if not the Life of it; seeing the Soul is no
 “ otherwise breath'd into the Sovereign Power, than by the Suffrage
 “ of the People. Wherefore no wonder if POSTELLUS be of
 “ opinion, that this use of the Ball is the very same with that
 “ of the Bean in *Athens*; or, that others, by the Text concerning
 “ ELDAD and MEDAD, derive it from the Common-wealth of *Israel*.
 “ There is another thing, tho' not so material to us, that my
 “ Lord will excuse me if I be not willing to yield, which is, that *Venice*
 “ subsists only by her Situation. It is true, that a man in time of
 “ War may be more secure from his Enemies by being in a Citadel,
 “ but not from his Diseases: wherefore the first cause, if he lives long,

“ is his good Constitution, without which his Citadel were to little purpose; and it is not otherwise with *Venice*.

WITH this Speech of the ARCHON I conclude the proof of the Agrarian, and the Ballot, being the Fundamental Laws of this Common-wealth; and come now from the Center to the Circumferences or Orbs, whereof some have been already shewn: As how the Parishes annually pour themselves into the Hundreds, the Hundreds into the Tribes, and the Tribes into the Galaxies; the Annual Galaxy of every Tribe consisting of two Knights and seven Deputies, whereof the Knights constitute the Senate; the Deputies, the Prerogative Tribe, commonly call'd the *People*; and the Senate and People constitute the Sovereign Power, or Parliament of *Oceana*. Wherefore to shew what the Parliament is, I must first open the Senate, and then the Prerogative Tribe.

TO begin with the Senate, of which (as a Man is differently represented by a Picture-drawer, and by an Anatomist) I shall first discover the Face or Aspect, and then the Parts, with the use of them. Every Monday morning in the Summer at seven, and in the Winter at eight, the great Bell in the Clock-house at the *Pantheon* begins, and continues ringing for the space of one hour: in which time the Magistrates of the Senate, being attended according to their Quality, with a respective number of the Ballotins, Door-keepers, and Messengers; and having the Ensigns of their Magistracies born before them, as the Sword before the Strategus, the Mace before the Orator, a Mace with the Seal before the Commissioners of the Chancery, the like with the Purse before the Commissioners of the Treasury; and a Silver Wand, like those in use with the Universities, before each of the Censors, being Chancellors of the same. These with the Knights, in all three hundred, assemble in the House or Hall of the Senate.

THE House or Hall of the Senate, being situated in the *Pantheon* or Palace of Justice, is a Room consisting of a Square and a half. In the middle of the lower end is the Door; at the upper end hangs a rich State over-shadowing the greater part of a large Throne, or half pace of two Stages; the first ascended by two steps from the floor, and the second about the middle rising two steps higher. Upon this stand two Chairs, in that on the right hand sits the Strategus, in the other the Orator, adorn'd with Scarlet Robes, after the fashion that was us'd by the Dukes in the Aristocracy. At the right end of the upper Stage stand three Chairs, in which the three Commissioners of the Seal are plac'd; and at the other end sit the three Commissioners of the Treasury, every one in a Robe or Habit like that of the Earls. Of these Magistrates of this upper Stage consists the Signory. At either end of the lower Stage stands a little Table, to which the Secretaries of the Senate are set with their tufted Sleeves in the habit of civil Lawyers. To the four steps, whereby the two Stages of the Throne are ascended, answer four long Benches, which successively deriving from every one of the steps, continue their respective height, and extend themselves by the side Walls towards the lower end of the House, every Bench being divided by numeral Characters into the thirty seven parts or places. Upon the upper benches sit the Censors in the Robes of Barons; the first in the middle of the right hand bench, and the second directly opposite to him on the other side. Upon the rest of the Benches sit the Knights, who if they be call'd to the Urns, distributing them-

themselves by the Figures, come in equal files, either by the first Seat, which consists of the two upper Benches on either side; or by the second Seat, consisting of the two lower Benches on either side: beginning also at the upper, or at the lower ends of the same, according to the Lot whereby they are call'd; for which end the Benches are open, and ascended at either end with easy stairs and large passages. The rest of the Ballot is conformable to that of the Tribe; the Censors of the House sitting at the side Urns, and the youngest Magistrate of the Signory at the middle: the Urns being placed before the Throne, and prepar'd according to the number of the Magistrates to be at that time chosen by the Rulers already given to the Censors of the Tribes. But before the Benches of the Knights on either side stands one being shorter; and at the upper end of this sit the two Tribunes of the Horse. At the upper end of the other, the two Tribunes of the Foot in their Arms; the rest of the Benches being cover'd by the Judges of the Land in their Robes. But these Magistrates have no Suffrage, nor the Tribunes, tho' they derive their presence in the Senate from the *Romans*; nor the Judges, tho' they derive theirs from the antient Senate of *Oceana*. Every Monday this Assembly sits of course; at other times, if there be occasion, any Magistrate of the House by giving order for the Bell, or by his Lictor or Ensign-bearer, calls a Senate. And every Magistrate or Knight during his Session has the Title, Place, and Honour of a Duke, Earl, Baron, or Knight, respectively. And every one that has born the same Magistracy by his third Session, has his respective Place and Title during the Term of his Life, which is all the Honour confer'd by this Common-wealth, except upon the Master of the Ceremonies, the Master of the Horse, and the King of the Heralds, who are Knights by their places. And thus you have the face of the Senate, in which there is scarce any Feature that is not *Roman* or *Venetian*; nor do the Horns of the Crescent extend themselves much unlike those of the *Sanhedrim*, on either hand of the Prince, and of the Father of that Senate. But upon Beauty, in which every Man has his phanfy, we will not otherwise philosophize than to remember that there is something more than decency in the Robe of a Judge, that would not be well spar'd from the Bench; and that the gravest Magistrate, to whom you can commit the Sword of Justice, will find a quickness in the Spurs of Honour, which if they be not laid to Virtue, will lay themselves to that which may rout a Common-wealth.

*Constitution of
the Senate.*

TO come from the Face of the Senate, to the Constitution and use of the Parts: It is contain'd in the peculiar Orders. And the Orders which are peculiar to the Senate, are either of Election or Instruction.

ELECTIONS in the Senate are of three sorts, Annual, Biennial, and Extraordinary.

ANNUAL Elections are perform'd by the Schedule call'd the *Tropic*: And the *Tropic* consists of two parts; the one containing the Magistrates, and the other the Councils to be yearly elected. The Schedule or *Tropic* of the Magistrates is as follows in

15. Order.
*Tropic of the
Magistrates.*

THE *fifteenth ORDER*, requiring, That upon every Monday next ensuing the last of *March*, the Knights of the Annual *Galaxies* taking their places in the Senate, be call'd the third Region of the same; and that the House having dismiss the first Region, and receiv'd the third, proceed to election of the Magistrates contain'd in the first part of the *Tropic*, by the ensuing Schedule:

The

The Lord Strategus,
The Lord Orator,
The first Cenfor,
The second Cenfor,

} *Annual Magistrates.*

The third Commissioner of
the Seal,
The third Commissioner of
the Treasury,

} *Triennial Magistrates.*

THE Annual Magistrates (provided that no one Man bears above one of those Honours during the term of one Session) may be elected out of any Region. But the Triennial Magistrates may not be elected out of any other than the third Region only, lest the term of their Session expire before that of their Honour; and (it being unlawful for a Man to bear Magistracy any longer than he is thereto qualify'd by the Election of the People) cause a Fraction in the Rotation of this Commonwealth.

THE *Strategus* is first President of the Senate, and General of the Army, if it be commanded to march; in which case there shall be a second *Strategus* elected to be first President of the Senate, and General of the second Army: and if this also be commanded to march, a third *Strategus* shall be chosen; and so on, as long as the Commonwealth sends forth Armies.

THE Lord *Orator* is the second and more peculiar President of the Senate, to whom it appertains to keep the House to Orders.

THE *Censors*, whereof the first by consequence of his Election is Chancellor of the University of *Clio*, and the second of that of *Calliope*, are Presidents of the Council for Religion and Magistrates, to whom it belongs to keep the House to the order of the Ballot. They are also Inquisitors into the ways and means of acquiring Magistracy; and have power to punish indirect proceedings in the same, by removing a Knight or Magistrate out of the House, under appeal to the Senate.

THE Commissioners of the Seal being three, whereof the third is annually chosen out of the third Region, are Judges in Chancery.

THE Commissioners of the Treasury being three, whereof the third is annually chosen out of the third Region, are Judges in the Exchequer; and every Magistrate of this Schedule has right to propose to the Senate.

BUT the *Strategus* with the six Commissioners, are the Signory of this Commonwealth, having right of Session and Suffrage in every Council of the Senate, and Power either jointly or severally to propose in all or any of them.

I HAVE little in this Order to observe or prove, but that the *Strategus* is the same Honour both in name and thing that was born, among others, by PHILOPEMEN and ARATUS in the Commonwealth of the *Acheans*; the like having been in use also with the *Aetolians*. The *Orator*, call'd otherwise the *Speaker*, is with small alteration the same that had been of former use in this Nation. These two, if you will, may be compar'd to the Consuls in *Rome*, or the Sufferes in *Carthage*; for their Magistracy is scarce different.

THE *Censors* derive their power of removing a Senator from those of *Rome*; the Government of the ballot, from those of *Venice*; and that

that of Animadversion upon the *Ambitus*, or canvass for Magistracy from both.

THE *Signory*, with the whole Right and Use of that Magistracy, to be hereafter more fully explain'd, is almost purely *Venetian*.

THE second part of the Tropic is directed by

16. Order.

Constitution of
the Councils.

Of the Coun-
cil of State.

Of the Council
of War.

Of the Council
of Religion.

Of the Council
of Trade.

Of the Pro-
vofts.

Of the Council
of the Pro-
vofts.

THE *sixteenth ORDER*, whereby the Constitution of the Councils, being four, that is to say, the Council of State, the Council of War, the Council of Religion, and the Council of Trade, is render'd conformable in their Revolutions to that of the Senate. As, first, by the annual Election of five Knights out of the third Region of the Senate, into the Council of State, consisting of fifteen Knights, five in every Region. Secondly, By the annual Election of three Knights out of the third Region of the Council of State, to be propos'd by the Provosts, and elected by that Council, into the Council of War, consisting of nine Knights, three in every Region, not excluded by this Election from remaining Members also of the Council of State. The four Tribunes of the People have right of Session and Suffrage in the Council of War. Thirdly, By the annual Election of four Knights out of the third Region of the Senate into the Council of Religion, consisting of twelve Knights, four in every Region: Of this Council the Censors are Presidents. Fourthly, By the annual Election of four Knights out of the third Region of the Senate into the Council of Trade, consisting of twelve Knights, four in every Region. And each Region, in every one of these Councils thus constituted, shall weekly and interchangeably elect one Provost, whose Magistracy shall continue for one Week; nor shall he be re-elected into the same, till every Knight of that Region in the same Council has once born the same Magistracy. And the Provosts being one in every Region, three in every Council, and twelve in all, besides their other Capacities, shall assemble and be a Council, or rather an Academy apart, to certain ends and purposes to be hereafter further explain'd, with those of the rest of the Councils.

THIS Order is of no other use than for the frame and turn of the Councils, and yet of no small one: for in Motion consists Life; and the Motion of a Common-wealth will never be current, unless it be circular. Men that, like my Lord EPIMONUS, not enduring the resemblance of this kind of Government to Orbs and Spheres, fall on physicing and purging it, do no more than is necessary; for if it be not in Rotation both as to Persons and Things, it will be very sick. The People of *Rome*, as to Persons, if they had not been taken up by the Wheel of Magistracy, had overturn'd the Chariot of the Senate. And those of *Lacedemon*, as to Things, had not been so quiet when the Senate trash'd their Business, by encroaching upon the Result, if by the Institution of the *Ephors* they had not brought it about again. So that if you allow not a Common-wealth her Rotation, in which consists her Equality, you reduce her to a Party, and then it is necessary that you be Physicians indeed, or rather Farriers; for you will have strong Patients, and such as must be halter'd and cast, or your selves may need Bonesetters. Wherefore the Councils of this Common-wealth, both in regard of their Elections, and, as will be shewn, of their Affairs, are uniform with the Senate in their Revolutions; not as Whirlpits to swallow, but to bite, and with the Scrues of their Rotation to hold and turn a Business (like the Vice of a Smith) to the Hand

Hand of the Workman. Without Engines of which nature it is not possible for the Senate, much less for the People, to be perfect Artificers in a political Capacity. But I shall not hold you longer from

THE seventeenth ORDER, directing biennial Elections, or the Constitution of the Orb of Ambassadors in ordinary, consisting of four Residences, the Revolution whereof is perform'd in eight years, and preserv'd thro' the Election of one Ambassador in two years by the Ballot of the Senate to repair to the Court of *France*, and reside there for the term of two years; and the term of two years being expir'd, to remove from thence to the Court of *Spain*, there to continue for the space of two years, and thence to remove to the State of *Venice*; and after two years residence in that City, to conclude with his residence at *Constantinople* for a like term of time, and so to return. A Knight of the Senate, or a Deputy of the Prerogative, may not be elected Ambassador in Ordinary, because a Knight or Deputy so chosen, must either lose his Session, which would cause an unevenness in the motion of this Commonwealth, or accumulate Magistracy, which agrees not with the equality of the same. Nor may any Man be elected into this Capacity, that is above five and thirty years of Age, lest the Commonwealth lose the charge of his Education, by being depriv'd at his return of the Fruit of it, or else enjoy it not long thro' the defects of Nature.

17. Order.
*Constitution of
the biennial E-
lection or Orb
of Ambassadors
in ordinary.*

THIS Order is the Perspective of the Commonwealth, whereby she foresees Danger, or the Traffic; whereby she receives every two years thereturn of a Statesman enrich'd with eight years experience, from the prime Marts of Negotiation in *Europe*. And so much for the Elections in the Senate that are ordinary; such as are extraordinary follow in

THE eighteenth ORDER, appointing all Elections upon emergent occasions, except that of the Dictator, to be made by the Scrutiny, or that kind of Election, whereby a Council comes to be a fifth Order of Electors. For Example, if there be occasion of an Ambassador Extraordinary, the Provosts of the Council of State, or any two of them shall propose to the same, till one Competitor be chosen by that Council: and the Council having chosen a Competitor, shall bring his name into the Senate, which in the usual way shall choose four more Competitors to the same Magistracy; and put them, with the Competitor of the Council, to the Ballot of the House, by which he of the five that is chosen is said to be elected by the Scrutiny of the Council of State. A Vice-Admiral; a Polemarch, or Field Officer, shall be elected after the same manner, by the Scrutiny of the Council of War. A Judge or Serjeant at Law, by the Scrutiny of the Commissioners of the Seal. A Baron or considerable Officer of the Exchequer, by the Scrutiny of the Commissioners of the Treasury. Men in Magistracy, or out of it, are equally capable of Election by the Scrutiny; but a Magistrate or Officer elected by the Scrutiny to a military Employment, if he be neither a Knight of the Senate, nor a Deputy of the Prerogative, ought to have his Office confirm'd by the Prerogative, because the Militia in a Commonwealth, where the People are Sovereign, is not lawful to be touch'd *injussu Populi*.

18. Order.
*Constitution of
Election Ex-
traordinary, or
by the Scrutiny.*

K k

THE

THE *Romans* were so curious, that tho' their Consuls were elected in the * *Centuriate Assemblies*, they might not touch the Militia, except they were confirm'd in the † *Parochial Assemblies*: for a Magistrate not receiving his Power from the People, takes it from them; and to take away their Power, is to take away their Liberty. As to the Election by the Scrutiny, it is easily perceiv'd to be *Venetian*, there being no such way to take in the Knowledge, which in all reason must be best in every Council of such men as are most fit for their turns, and yet to keep them from the bias of particular Affection or Interest under that pretence: for the cause why the Great Council in *Venice* scarce ever elects any other than the Name that is brought in by the Scrutiny, is very probable to be, that they may.... This Election is the last of those appertaining to the Senate. The Councils being chosen by the Orders already shewn, it remains that we come to those whereby they are instructed: and the Orders of Instruction to the Councils are two, the first for the Matter whereupon they are to proceed; and the second for the Manner of their proceeding. The Matter of the Councils is distributed to them by

19. Order.
*Instructions for
the Councils as
to their Mat-
ter.*

THE *nineteenth ORDER*, distributing to every Council such Business as are properly to belong to their Cognizance, whereof some they shall receive and determine; and others they shall receive, prepare and introduce into the House: As, first,

*For the Coun-
cil of State.*

THE Council of State is to receive all Addresses, Intelligences, and Letters of Negotiation; to give audience to Embassadors sent to, and to draw up Instructions for such as shall be sent by, this Common-wealth; to receive Propositions from, and hold Intelligence with the Provincial Councils; to consider upon all Laws to be enacted, amended, or repeal'd; and upon all Levies of Men or Money, War or Peace, Leagues or Associations to be made by this Common-wealth, so far forth as is conducive to the orderly preparation of the same to be introduc'd by them into the Senate. Provided that all such Affairs, as other wise appertaining to the Council of State are, for the good of the Common-wealth, to be carry'd with greater secrecy, be manag'd by the Council of War, with Power to receive and send forth Agents, Spies, Emissaries, Intelligencers, Frigots; and to manage Affairs of that nature, if it be necessary, without communication to the Senate, till such time as it may be had without detriment to the Business. But they shall have no Power to engage the Common-wealth in a War, without the consent of the Senate and the People. It appertains also to this Council to take charge of the Fleet as Admiral; and of all Store-houses, Armories, Arsenals, and Magazines appertaining to this Common-wealth. They shall keep a diligent Record of the military Expeditions from time to time reported by him that was Strategus or General, or one of the Polemarchs in that Action; or at least so far as the Experience of such Commanders may tend to the improvement of the military discipline, which they shall digest and introduce into the Senate: and if the Senate shall thereupon frame any Article, they shall see that it be observed in the Musters or Education of the Youth. And whereas the Council of War is the Sentinal or Scout of this Common-wealth, if any Person or Persons shall go about to introduce Debate into any popular Assembly of the same, or otherwise

*For the Coun-
cil of War.*

* Centuriatis.

† Curiatis Comitibus.

to alter the present Government, or strike at the root of it, they shall apprehend, or cause to be apprehended, seiz'd, imprison'd; and examine, arraign, acquit, or condemn, and cause to be executed any such Person or Persons, by their proper Power and Authority, and without appeal.

THE Council of Religion, as the Arbiter of this Common-wealth in cases of Conscience more peculiarly appertaining to Religion, Christian Charity, and a pious Life, shall have the care of the National Religion, and the protection of the Liberty of Conscience, with the cognizance of all Causes relating to either of them. And first as to the National Religion; They shall cause all Places or Preferments of the best Revenue in either of the Universities to be confer'd upon no other than such of the most learn'd and pious Men, as have dedicated themselves to the study of Theology. They shall also take a special care that by such Augmentations as be or shall hereafter be appointed by the Senate, every Benefice in this Nation be improv'd at least to the value of one hundred pounds a year. And to the end that there be no interest at all, whereby the Divines or Teachers of the National Religion may be corrupted, or corrupt Religion, they shall be capable of no other kind of Employment or Preferment in this Common-wealth. And whereas a Directory for the Administration of the National Religion is to be prepar'd by this Council, they shall in this and other Debates of this nature proceed in manner following: A Question arising in matter of Religion shall be put and stated by the Council in writing; which Writing the Censors shall send by their Beadles (being Proctors chosen to attend them) each to the University whereof he is Chancellor; and the Vice-Chancellor of the same receiving the Writing, shall call a Convocation of all the Divines of that University, being above forty years of Age. And the Universities upon a point so propos'd, shall have no manner of Intelligence or Correspondence one with another, till their Debates be ended, and they have made return of their Answers to the Council of Religion by two or three of their own Members, that may clear their sense, if any doubt should arise to the Council; which done, they shall return, and the Council having receiv'd such information, shall proceed according to their own Judgments, in the preparation of the whole matter for the Senate: That so the Interest of the Learned being remov'd, there may be a right application of Reason to Scripture, which is the Foundation of the National Religion.

SECONDLY, This Council, as to the protection of the Liberty of Conscience, shall suffer no coercive Power in the matter of Religion to be exercis'd in this Nation: The Teachers of the National Religion being no other than such as voluntarily undertake that calling; and their Auditors or Hearers, no other than are also voluntary. Nor shall any gather'd Congregation be molested or interrupted in their way of Worship (being neither Jewish nor Idolatrous) but vigilantly and vigorously protected and defended in the Enjoyment, Practice, and Profession of the same. And if there be Officers or Auditors appointed by any such Congregation for the introduction of Causes into the Council of Religion, all such Causes so introduc'd shall be receiv'd, heard, and determin'd by the same, with recourse had, if need be, to the Senate.

THIRDLY, Every Petition address'd to the Senate, except that of a Tribe, shall be receiv'd, examin'd, and debated by this Council; and such only as they, upon such examination and debate had, shall think fit, may be introduc'd into the Senate.

THE Council of Trade being the *Vena Porta* of this Nation, shall hereafter receive Instructions more at large. For the present, their Experience

For the Council of Religion.

For the Council of Trade.

perience attaining to a right understanding of those Trades and Myſteries that feed the Veins of this Common-wealth, and a true diſtinction of them from thoſe that ſuck or exhaust the ſame, they ſhall acquaint the Senate with the Conveniencies and Inconveniencies, to the end that Encouragement may be apply'd to the one, and Remedy to the other.

For the Academy of the Provosts.

THE Academy of the Provosts, being the Affability of the Common-wealth, ſhall aſſemble every day towards the Evening in a fair Room, having certain withdrawing Rooms thereto belonging. And all ſorts of Company that will repair thither for Converſation or Diſcourſe, ſo it be upon matters of Government, News, or Intelligence, or to propoſe any thing to the Councils, ſhall be freely and affably receiv'd in the outer Chamber, and heard in the way of civil Converſation, which is to be manag'd without any other Awe or Ceremony than is thereto uſually appertaining; to the end that every Man may be free, and that what is propos'd by one, may be argu'd or diſcourſ'd by the reſt, except the matter be of ſecrecy; in which caſe the Provosts, or ſome of them, ſhall take ſuch as deſire Audience into one of the withdrawing Rooms. And the Provosts are to give their minds, that this Academy be ſo govern'd, adorn'd, and preserv'd, as may be moſt attractive to Men of Parts and good Affections to the Common-wealth, for the excellency of the Converſation.

FURTHERMORE, If any Man, not being able or willing to come in perſon, has any advice to give which he judges may be for the good of the Common-wealth, he may write his mind to the Academy of the Provosts, in a Letter ſign'd or not ſign'd; which Letter ſhall be left with the Door-keeper of the Academy. Nor ſhall any Perſon delivering ſuch a Letter be ſeiz'd, moleſted, or detain'd, tho' it ſhould prove to be a Libel. But the Letters ſo deliver'd ſhall be preſented to the Provosts; and in caſe they be ſo many that they cannot well be perus'd by the Provosts themſelves, they ſhall diſtribute them as they pleaſe to be read by the Gentlemen of the Academy, who finding any thing in them material, will find matter of Diſcourſe: Or if they happen upon a buſineſs that requires privacy, return it with a Note upon it to a Provost. And the Provosts by the Secretaries attending ſhall cauſe ſuch Notes out of Diſcourſes or Letters to be taken as they pleaſe, to the end that they may propoſe, as occaſion ſerves, what any two of them ſhall think fit out of their Notes ſo taken to their reſpective Councils: to the end that not only the Ear of the Common-wealth be open to all, but that Men of ſuch Education being in her eye, ſhe may upon emergent Elections or Occaſions be always provided of her choice of fit Perſons.

For the Attendance of the Councils.

EVERY Council being adorn'd with a State for the Signory, ſhall be attended by two Secretaries, two Door-keepers, and two Meſſengers in ordinary, and have power to command more upon Emergencies, as occaſion requires. And the Academy ſhall be attended with two Secretaries, two Meſſengers, and two Door-keepers; this with the other Councils being provided with their farther Conveniencies at the charge of the State.

For the Dictator.

BUT whereas it is incident to Common-wealths, upon Emergencies requiring extraordinary ſpeed or ſecrecy, either thro' their natural delays or unnatural haſt, to incur equal danger, while holding to the ſlow pace of their Orders, they come not in time to defend themſelves from ſome ſudden blow; or breaking them for the greater ſpeed, they but haſte to their own deſtruction: If the Senate ſhall at any time make Election of nine Knights extraordinary, to be added to the Council of War, as a *Juncta* for the term of three Months, the Council of War, with the *Juncta* ſo added, is for the term of the ſame Dictator of *Oceana*, having power to levy Men and Money,

Money, to make War and Peace, as also to enact Laws, which shall be good for the space of one year (if they be not sooner repeal'd by the Senate and the People) and for no longer time, except they be confirm'd by the Senate and the People. And the whole Administration of the Common-wealth for the term of the said three Months shall be in the Dictator; provided, that the Dictator shall have no Power to do any thing that tends not to his proper end and institution, but all to the preservation of the Common-wealth as it is establish'd, and for the sudden restitution of the same to the natural Channel and common course of Government. And all Acts, Orders, Decrees, or Laws of the Council of War with the *Juncta*, being thus created, shall be sign'd,

DICTATOR OCEANÆ.

THIS Order of Instructions to the Councils being (as in a matter of that nature is requisite) very large, I have us'd my best skill to abbreviate it in such manner, as might shew no more of it than is necessary to the understanding of the whole; tho' as to the parts, or further duties of the Councils, I have omitted many things of singular use in a Common-wealth. But it was discours'd at the Council by the ARCHON in this manner.

My Lords, the Legislators;

“YOUR Councils, except the Dictator only, are proper and
 “native Springs and Sources, you see, which (hanging a few
 “sticks and straws, that, as less considerable, would otherwise be
 “more troublesome, upon the banks of their peculiar Channels) de-
 “rive the full stream of business into the Senate, so pure, and so far
 “from the possibility of being troubl'd or stain'd (as will undenia-
 “bly appear by the Course contain'd in the ensuing Order) with
 “any kind of private Interest or Partiality, that it shall never be possi-
 “ble for any Assembly hearkning to the advice or Information of this
 “or that worthy Member (either instructed upon his Pillow, or
 “while he was making himself ready, or by the Petition or Ticket
 “which he receiv'd at the door) to have half the Security in his
 “Faith, or advantage by his Wisdom; such a Senate or Council being
 “thro' the incertainty of the Winds, like a wave of the Sea. Nor
 “shall it otherwise mend the matter by flowing up into dry ditches,
 “or referring business to be better examin'd by Committees, than to
 “go further about with it to less purpose; if it does not ebb back again
 “with the more mud in it. For in a case refer'd to an occasional
 “Committee, of which any Member that is desirous may get himself
 “nam'd, and to which no body will come, but either for the sake of
 “his Friend or his own Interest; it fares little better as to the Infor-
 “mation of the Senate, than if it had been refer'd to the Parties. Where-
 “fore the *Athenians* being distributed into four Tribes, out of which
 “by equal numbers they annually chose four hundred Men, call'd
 “the *Senate of the Bean* (because the Ballot at their Election was per-
 “form'd by the use of Beans) divided them by Fifties into eight
 “parts. And every Fifty in their turn, for one eighth part of the
 “year, was a Council apart call'd the *Prytans*. The *Prytans* in
 “their distinct Council receiving all Comers, and giving ear to every
 “Man that had any thing to propose concerning the Common-wealth,
 “L 1 “ had

“ had power to debate and prepare all the businesses that were to be
 “ introduc’d into the Senate. The *Achæans* had ten selected Magistrates
 “ call’d the *Demiurgs*, constituting a Council apart call’d the *Synarchy*,
 “ which with the *Strategus* prepar’d all the business that was intro-
 “ duc’d into their Senate. But both the Senate of the *Athenians*, and
 “ that of the *Achæans*, would have wonder’d if a Man had told them,
 “ that they were to receive all Comers and Discourses, to the end that
 “ they might refer them afterwards to the *Prytans* or the *Synarchy*;
 “ much less to an occasional Committee, expos’d to the catch that
 “ catch may of the Parties interested. And yet *Venice* in this, as in
 “ most of her Orders, excels them all by the Constitution of her
 “ Councils, that of the College, and the other of the *Dieci*, or Coun-
 “ cil of Ten. The course of the College is exactly describ’d in the
 “ ensuing Order: And for that of the *Dieci*, it so little differs from
 “ what it has bestow’d upon our *Dictator*, that I need not make any
 “ particular description of it. But to *Dictatorian* Power in general,
 “ and the use of it, because it must needs be of difficult digestion to
 “ such as, puking still at antient Prudence, shew themselves to be in
 “ the Nursery of Mother-wit; it is no less than necessary to say some-
 “ thing. And, First, in a Common-wealth that is not wrought up,
 “ or perfected, this Power will be of very frequent, if not continual
 “ use; wherefore it is said more than once, upon defects of the Govern-
 “ ment, in the Book of *Judges*, *That in those days there was no King in*
 “ *Israel*. Nor has the Translator, tho for *no King* he should have
 “ said *no Judge*, abus’d you so much; seeing that the Dictator (and
 “ such was the *Judge of Israel*) or the Dictatorian Power being in a
 “ single Person, so little differs from Monarchy, which follow’d in
 “ that, that from the same cause there has been no other effect in any
 “ Common-wealth; as in *Rome* was manifest by *SYLLA* and *CÆSAR*,
 “ who to make themselves Absolute or Sovereign, had no more to do
 “ than to prolong their Magistracy; for * the Dictatorian Power was
 “ reputed Divine, and therefore irresistible. Nevertheless so it is,
 “ that without this Power, which is so dangerous, and subject to in-
 “ troduce Monarchy, a Common-wealth cannot be safe from falling
 “ into the like dissolution; unless you have an Expedient in this case
 “ of your own, and bound up by your Providence from recoiling.
 “ Expedients in some cases you must not only have, but be beholden
 “ for them to such whom you must trust at a pinch, when you have
 “ not leisure to stand with them for Security; which will be a thou-
 “ sand times more dangerous. And there can never be a Common-
 “ wealth otherwise than by the Order in debate wrought up to that
 “ perfection; but this necessity must sometimes happen in regard of
 “ her natural slowness and openness, and the suddenness of Assaults
 “ that may be made upon her, as also the Secrecy which in some cases
 “ may be of absolute necessity to her Affairs. Whence *MACHIA-*
 “ *VEL* concludes it positively, that a Common-wealth unprovided of
 “ such a Refuge, must fall to ruin: for her course is either broken
 “ by the blow in one of those cases, or by her self, while it startles
 “ her out of her Orders. And indeed a Common-wealth is like a
 “ Greyhound, which having once coasted, will never after run fair,
 “ but grow slothful; and when it comes to make a common practice

* Dictatoris imperium quasi Numen. *Liv.*

“ of taking nearer ways than its Orders, it is dissolv'd: for the being
 “ of a Common-wealth consists in its Orders. Wherefore at this list
 “ you will be expos'd to danger, if you have not provided before-
 “ hand for the safety of your Resort in the like cases: nor is it suffi-
 “ cient that your Resort be safe, unless it be as secret and quick; for if
 “ it be slow or open, your former Inconveniencies are not remedy'd.
 “ Now for our imitation in this part, there is nothing in experience
 “ like that of the Council of Ten in *Venice*; the benefit whereof would
 “ be too long to be shewn in the whole piece, and therefore I shall
 “ take but a pattern out of JANOTTI. In the War, says he, which
 “ the *Venetians* had with *Florence* in *Casentin*, the *Florentins* finding a ne-
 “ cessity in their affairs far from any other inclination in themselves to
 “ ask their Peace, sent Ambassadors about it to *Venice*, where they were
 “ no sooner heard, than the bargain was struck up by the Council of
 “ Ten: and every body admiring (seeing this Common-wealth stood
 “ upon the higher ground) what should be the reason of such haste;
 “ the Council upon the return of the Ambassadors imparted Letters to
 “ the Senate, whereby it appear'd, that the *Turk* had newly launch'd a
 “ formidable Fleet against their State; which had it been understood
 “ by the *Florentins*, it was well enough known they would have made
 “ no Peace. Wherefore the service of the Ten was highly applauded by
 “ the Senate, and celebrated by the *Venetians*. Whereby may appear,
 “ not only in part what use there is of Dictatorian Power in that Go-
 “ vernment, but that it is assum'd at the discretion of that Council;
 “ whereas in this of *Oceana* it is not otherwise entrusted than when
 “ the Senate, in the Election of nine Knights extraordinary, gives at
 “ once the Commission, and takes security in a balance, added to the
 “ Council of War, tho' securer before by the Tribunes of the People
 “ than that of *Venice*, which yet never incur'd Jealousy: For if the
 “ younger Nobility have been often girding at it, that happen'd not
 “ so much thro' the apprehension of danger in it to the Common-
 “ wealth, as thro' the awe of it upon themselves. Wherefore the
 “ Graver have doubtlessly shewn their Prudence in the Law; whereby,
 “ the Magistracy of these Counsellors being to last till their Successors
 “ be created, the Council is establish'd.

THE Instructions of the Councils for their matter being shewn,
 it remains that I shew the Instructions for the manner of their pro-
 ceeding, as they follow in

THE twentieth ORDER, containing the Method of Debates to
 be observ'd by the Magistrates and the Councils successively, in order to
 a Decree of the Senate.

THE Magistrates of the Signory, as Counsellors of this Common-
 wealth, shall take into their consideration all matters of State, or of
 Government; and, having right to propose in any Council, may any
 one or more of them propose what business he or they please in that
 Council to which it most properly belongs. And, that the Councils
 may be held to their duty, the said Magistrates are superintendents
 and inspectors of the same, with right to propose to the Senate.

THE Censors have equal Power with these Magistrates, but in re-
 lation to the Council of Religion only.

ANY two of the three Provosts in every Council may propose to,
 and are the more peculiar Proposers of, the same Council; to the end
 that

20. Order.
*Instructions for
 the Councils as
 to their man-
 ner of Proceed-
 ing.*

that there be not only an inspection and superintendency of business in general, but that every work be also committed to a peculiar hand.

ANY one or more of the Magistrates, or any two of the Provosts respectfully having propos'd, the Council shall debate the business so propos'd, to which they of the third Region that are willing shall speak first in their order; they of the second, next; and they of the first, last: and the opinions of those that propos'd or spoke, as they shall be thought the most considerable by the Council, shall be taken by the Secretary of the same in writing, and each of them sign'd with the name of the Author.

THE Opinions being thus prepar'd, any Magistrate of the Signory, the Censor, or any two of the Provosts of that Council, upon this occasion may assemble the Senate.

THE Senate being assembled, the Opinions (for example, if they be four) shall be read in their Order, that is, according to the Order or Dignity of the Magistrates or Counsellors by which they were sign'd. And being read, if any of the Council introducing them will speak, they, as best acquainted with the business, shall have precedence; and after them the Senators shall speak according to their Regions, beginning by the third first, and so continuing till every man that will has spoken: and when the Opinions have been sufficiently debated, they shall be put all together to the Ballot after this manner.

FOUR Secretaries carrying each of them one of the Opinions in one hand, with a white Box in the other, and each following the other, according to the order of the Opinions, shall present his Box, naming the Author of his Opinion to every Senator; and one Secretary or Ballotin with a green Box shall follow the four white ones; and one Secretary or Ballotin with a red Box shall follow the green one: and every Senator shall put one Ball into some of these six boxes. The Suffrage being gather'd and open'd before the Signory, if the red Box or *Non sincere* had above half the Suffrages, the Opinions shall be all cast out, for the major part of the House is not clear in the business. If no one of the four Opinions had above half the Suffrages in the Affirmative, that which had fewest shall be cast out, and the other three shall be balloted again. If no one of the three had above half, that which had fewest shall be cast out, and the other two shall ballot again. If neither of the two had above half, that which had fewest shall be cast out, and the remaining Opinion shall be balloted again. And if the remaining Opinion has not above half, it shall also be cast out. But the first of the Opinions that arrives at most above half in the Affirmative, is the Decree of the Senate. The Opinions being all of them cast out by the *Non sincere*, may be reviewed, if occasion permits, by the Council, and brought in again. If they be cast out by the Negative, the case being of advice only, the House approves not, and there is an end of it: the case being necessary, and admitting delay, the Council is to think again upon the business, and to bring in new Opinions; but the Case being necessary, and not admitting delay, the Senate immediately electing the *Juncta*, shall create the Dictator. * *And let the Dictator*, as the Roman saying is, *take care that the Common-wealth receives no harm.*

THIS in case the Debate concludes not in a Decree. But if a Decree be pass'd, it is either in matter of State or Government according to Law enacted already, and then it is good without going any further: or it is in

* Et videat Dictator ne quid Respub. detrimenti capiat.

matter of Law to be enacted, repeal'd, or amended; and then the Decree of the Senate, especially if it be for a war, or for a Levy of Men or Money, is invalid, without the result of the Common-wealth, which is in the Prerogative Tribe, or Representative of the People.

THE Senate having prepar'd a Decree to be propos'd to the People, shall appoint their Proposers; and no other may propose for the Senate to the People but the Magistrates of the House: that is to say, the three Commissioners of the Seal, or any two of them; the three of the Treasury, or any two of them; or the two Censors.

THE Senate having appointed their Proposers, shall require of the Tribunes a muster of the People at a set time and place: and the Tribunes or any two of them having muster'd the People accordingly, the Proposers shall propose the Sense or Decree of the Senate by clauses to the People. And that which is propos'd by the Authority of the Senate, and resolv'd by the Command of the People, is the Law of *Oceana*.

TO this Order, implicitly containing the sum very near of the whole Civil part of the Common-wealth, my Lord ARCHON spoke thus in Council.

My Dear Lords;

“ T H E R E is a Saying, That a man must cut his Coat according to his Cloth. When I consider what God has allow'd or furnish'd to our present work, I am amaz'd. You would have a popular Government, he has weigh'd it to you in the present balance, as I may say, to a dram; you have no more to do, but to fix it. For the Superstructures of such a Government, they require a good Aristocracy: and you have, or have had a Nobility or Gentry the best study'd, and the best Writers, at least next that of *Italy*, in the whole World; nor have they been inferior, when so exercis'd, in the leading of Armies. But the People are the main body of a Common-wealth; shew me from the Treasuries of the Snow (as it is in *Job*) to the burning Zone, a People whose shoulders so universally and so exactly fit the Corset. Nevertheless it were convenient to be well provided with Auxiliaries. There is *Marpesia* thro' her fruitfulness inexhaustible of men, and men thro' her barrenness not only inur'd to hardship, but in your Arms. It may be said, that *Venice*, excepting only that she takes not in the People, is the most incompareable Situation of a Common-wealth. You are *Venice* taking in your People and your Auxiliaries too. My Lords, the Children of *Israel* were makers of Brick, before they were builders of a Common-wealth: But our brick is made, our Morter temper'd, the Cedars of *Lebanon* are hew'd and squar'd to our hands. Has this been the work of man? or is it in man to withstand this work? Shall he that contends with the Almighty, instruct him? He that reproves God, let him answer it. For our parts, every thing is so laid, that when we come to have use of it, it is the next at hand; and unless we can conceive that God and nature do any thing in vain, there is no more for us to do but to dispatch. The Piece, which we have reach'd to us in the foregoing Orders, is the Aristocracy. *Athens*, as has been shewn, was plainly lost thro' the want of a good Aristocracy. But the sufficiency of an Aristocracy goes demonstrably upon the hand of the Nobility or Gentry: for that the Politicks

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“ can

“ can be master’d without study, or that the People can have leisure to
 “ study, is a vain imagination; and what kind of Aristocracy Divines
 “ and Lawyers would make, let their incurable running upon their
 “ own narrow biases, and their perpetual invectives against MACHIA-
 “ VEL (tho’ in some places justly reproveable, yet the only Politician
 “ and incompareable Patron of the People) serve for instruction. I
 “ will stand no more to the Judgment of Lawyers and Divines in this
 “ work, than to that of so many other Tradesmen; but if this Mo-
 “ del chances to wander abroad, I recommend it to the *Roman Specu-*
 “ *lativi* (the most complete Gentlemen of this age) for their censure:
 “ or, with my Lord EPIMONUS his leave, send three or four hun-
 “ dred Copies to your Agent at *Venice*, to be presented to the Magi-
 “ strates there; and when they have consider’d them, to be propos’d to
 “ the debate of the Senate, the most competent Judges under Heaven,
 “ who, tho’ they have great affairs, will not refuse to return you the O-
 “ racle of their Ballot. The Councillors of Princes I will not trust; they
 “ are but Journeymen. *The Wisdom of these latter times in Princes*
 “ *Affairs* (says VERULAMIUS) *is rather fine deliveries and shiftings of*
 “ *dangers when they be near, than solid and grounded courses to keep them*
 “ *off.* Their Councillors do not derive their proceedings from any
 “ found root of Government that may contain the demonstration, and
 “ assure the success of them, but are expedient-mongers, givers of them-
 “ selves to help a lame dog over a stile; else how comes it to pass, that
 “ the fame of Cardinal RICHLIEU has been like Thunder, whereof we
 “ hear the noise, but can make no demonstration of the reason? But
 “ to return, if neither the People, nor Divines, and Lawyers, can be
 “ the Aristocracy of a Nation, there remains only the Nobility; in
 “ which stile, to avoid farther repetition, I shall understand the
 “ Gentry also, as the *French* do by the word *Noblesse*.

“ Now to treat of the Nobility in such sort as may be less obnox-
 “ ious to mistake, it will be convenient, and answerable to the present
 “ occasion, that I divide my Discourse into four parts.

“ THE First treating of Nobility, and the kinds of it.

“ THE Second, of their capacity of the Senate.

“ THE Third, of the divers kinds of Senates.

“ THE Fourth, of the Senate, according to the foregoing Orders.

“ NOBILITY may be defin’d divers ways; for it is either an-
 “ tient Riches, or antient Virtue, or a Title confer’d by a Prince or a
 “ Common-wealth.

“ NOBILITY of the first kind may be subdivided into two o-
 “ thers, such as hold an over-balance in Dominion or Property to the
 “ whole People, or such as hold not an over-balance. In the former
 “ case, a Nobility (such was the *Gothic*, of which sufficient has been
 “ spoken) is incompatible with popular Government; for to popular
 “ Government it is essential that Power should be in the People, but
 “ the over-balance of a Nobility in dominion draws the Power to
 “ themselves. Wherefore in this sense it is that MACHIAVEL is
 “ to be understood, where he says, * That these are pernicious in a
 “ Common-wealth; and of *France*, *Spain*, and *Italy*, that they are

* Questi tali sono perniciosi in ogni Repubblica, & in ogni Provincia.

“ Nations * which for this cause are the corruption of the World: for
 “ otherwise Nobility may according to his definition (which is, *That*
 “ *they are such as live upon their own Revenues in plenty, without en-*
 “ *gagement either to the tilling of their Lands, or other work for their*
 “ *livelihood*) hold an under-balance to the People; in which case they
 “ are not only safe, but necessary to the natural mixture of a well-or-
 “ der'd Common-wealth. For how else can you have a Common-
 “ wealth that is not altogether mechanic? or what comparison is there
 “ of such Common-wealths as are, or come nearest to mechanic, for
 “ example, *Athens, Switzerland, Holland, to Lacedemon, Rome, and Ve-*
 “ *nice*, plum'd with their Aristocracies? Your Mechanics, till they
 “ have first feather'd their nests, like the Fowls of the Air, whose
 “ whole Employment is to seek their food, are so busy'd in their pri-
 “ vate concerns, that they have neither leisure to study the pub-
 “ lic, nor are safely to be trusted with it, † because a Man is not
 “ faithfully embark'd in this kind of ship, if he has no share in the
 “ freight. But if his share be such as gives him leisure by his private
 “ advantage to reflect upon that of the public, what other name is there
 “ for this sort of Men, being *a leur aise*, but (as MACHIAVEL you
 “ see calls them) NOBILITY? especially when their Families come to
 “ be such as are noted for their Services done to the Common-wealth,
 “ and so take into their antient Riches antient Virtue, which is the se-
 “ cond definition of Nobility, but such a one as is scarce possible in
 “ nature without the former. *For as the Baggage, says VERULAMIUS,*
 “ *is to an Army, so are Riches to Virtue; they cannot be spar'd nor left*
 “ *behind, tho' they be impediments, such as not only hinder the march,*
 “ *but sometimes thro' the care of them lose or disturb the Victory.* Of this
 “ latter sort is the Nobility of *Oceana*; the best of all others, because
 “ they, having no stamp whence to derive their price, can have it no
 “ otherwise than by their intrinsic value. The third definition of No-
 “ bility, is a Title, Honour, or distinction from the People, confer'd
 “ or allow'd by the Prince or the Common-wealth. And this may be
 “ two ways, either without any stamp or privilege, as in *Oceana*; or
 “ with such privileges as are inconsiderable, as in *Athens* after the bat-
 “ tle of *Plateæ*, whence the Nobility had no right, as such, but to
 “ religious Offices, or inspection of the public Games, to which they
 “ were also to be elected by the People: or with Privileges, and
 “ those considerable ones, as the Nobility in *Athens* before the battle
 “ of *Plateæ*, and the *Patricians* in *Rome*, each of which had right,
 “ or claim'd it, to the Senate and all the Magistracies; wherein for
 “ some time they only by their stamp were current.
 “ BUT to begin higher, and to speak more at large of Nobility
 “ in their several capacities of the Senate. The Phylarchs or Princes of
 “ the Tribes of *Israel* were the most renown'd, or, as the *Latin*, the Numb. 1. 16.
 “ most noble of the Congregation, whereof by hereditary right they
 “ had the leading and judging. The Patriarchs, or Princes of Families, Ver. 18.
 “ according as they declar'd their Pedigrees, had the like right as to their
 “ Families; but neither in these nor the former, was there any hereditary
 “ right to the *Sanhedrim*: tho' there be little question but the wise men,
 “ and understanding, and known among their Tribes, which the Peo-

* Lequali tutte insieme sono la corruttela del mondo. † Egestas haud facile habetur sine damno.

“ ple took or elected into those or other Magistracies, and whom
 “ MOSES made Rulers over them, must have been of these; seeing
 “ they could not choose but be the most known among the Tribes,
 “ and were likeliest by the advantages of Education to be the most
 “ wise and understanding.

“ SOLON having found the *Athenians* neither locally nor genea-
 “ logically, but by their different ways of Life, divided into four Tribes,
 “ that is, into the Soldiery, the Tradesmen, the Husbandmen, and
 “ the Goat-herds, instituted a new distribution of them, according to
 “ the cense or valuation of their Estates, into four Classes: the first,
 “ second, and third, consisting of such as were Proprietors in Land,
 “ distinguish’d by the rate of their Freeholds, with that stamp upon
 “ them, which making them capable of adding Honour to their
 “ Riches, that is to say, of the Senate and all the Magistracies, exclud-
 “ ed the fourth, being the Body of the People, and far greater in num-
 “ ber than the former three, from all other right, as to those Capac-
 “ ties, except the election of these, who by this means became a here-
 “ ditary Aristocracy or Senatorian Order of Nobility. This was that
 “ course which came afterwards to be the destruction of *Rome*, and
 “ had now ruin’d *Athens*. The Nobility, according to the inevitable
 “ Nature of such a one, having laid the Plot how to divest the Peo-
 “ ple of the Result, and so to draw the whole Power of the Com-
 “ mon-wealth to themselves; which in all likelihood they had done,
 “ if the People coming by mere chance to be victorious in the Battle of
 “ *Plateæ*, and famous for defending *Greece* against the *Persians*, had
 “ not return’d with such Courage as irresistibly broke the Classes, to
 “ which of old they had born a white Tooth, brought the Nobility
 “ to equal Terms, and the Senate with the Magistracies to be common
 “ to both; the Magistracies by Suffrage, and the Senate (which was the
 “ mischief of it, as I shall shew anon in that Constitution) by Lot only.

“ THE *Lacedemonians* were in the manner, and for the same cause
 “ with the *Venetians* at this day, no other than a Nobility, even ac-
 “ cording to the definition given of Nobility by MACHIAVEL; for
 “ they neither exercis’d any Trade, nor labour’d their Lands or Lots,
 “ which was done by their *Helots*: wherefore some Nobility may be
 “ far from pernicious in a Common-wealth by MACHIAVEL’S own
 “ Testimony, who is an admirer of this, tho’ the Servants thereof
 “ were more in number than the Citizens. To these Servants I hold
 “ the answer of LYCURGUS, when he bad him who ask’d why he
 “ did not admit the People to the Government of his Common-wealth,
 “ to go home and admit his Servants to the Government of his Fami-
 “ ly, to relate: for neither were the *Lacedemonians* Servants, nor far-
 “ ther capable of the Government, unless, whereas the Congregation
 “ had the Result, he should have given them the Debate also; every
 “ one of these that attain’d to sixty years of Age, and the major Vote
 “ of the Congregation, being equally capable of the Senate.

“ THE Nobility of *Rome*, and their capacity of the Senate, I have
 “ already describ’d by that of *Athens* before the battle of *Plateæ*; sa-
 “ ving only that the *Athenian* was never eligible into the Senate with-
 “ out the suffrage of the People, till the introduction of the Lot, but
 “ the *Roman* Nobility ever: for the *Patricians* were elected into the
 “ Senate by the Kings, by the Consuls, or the Censors; or if a Ple-
 “ beian happen’d to be conscrib’d, he and his Posterity became Patri-
 “ cians.

“ cians. Nor, tho’ the People had many disputes with the Nobility, did this ever come in controversy, which, if there had been nothing else, might in my judgment have been enough to overturn that Common-wealth.

“ THE *Venetian* Nobility, but that they are richer, and not military, resemble at all other points the *Lacedemonian*, as I have already shewn. These *MACHIAVEL* excepts from his rule, by saying, that their Estates are rather personal than real, or of any great Revenue in Land; which comes to our account, and shews, that a Nobility or party of the Nobility, not over-balancing in Dominion, is not dangerous, but of necessary use in every Common-wealth provided it be rightly order’d: for if it be so order’d as was that of *Rome*, tho’ they do not over-balance in the beginning, as they did not there, it will not be long ere they do, as is clear both in reason and experience towards the latter end. That the Nobility only be capable of the Senate, is there only not dangerous, where there be no other Citizens, as in this Government and that of *Lacedemon*.

“ THE Nobility of *Holland* and *Switzerland*, tho’ but few, have Privileges not only distinct from the People, but so great, that in some Sovereignties they have a negative voice; an example which I am far from commending, being such as (if those Governments were not cantoniz’d, divided, and subdivided into many petty Sovereignties that balance one another, and in which the Nobility, except they had a Prince at the head of them, can never join to make work) would be the most dangerous that ever was but the *Gothic*, of which it favors. For in antient Common-wealths you shall never find a Nobility to have had a negative but by the Poll, which, the People being far more in number, came to nothing; whereas these have it, be they never so few, by their stamp or order.

“ OURS of *Oceana* have nothing else but their education and their leisure for the public, furnish’d by their ease and competent Riches; and their intrinsic value, which, according as it comes to hold weight in the judgment or suffrage of the People, is their only way to honour and preferment. Wherefore I would have your Lordships to look upon your Children as such, who if they come to shake off some part of their baggage, shall make the more quick and glorious march: for it was nothing else but the baggage fordidly plunder’d by the Nobility of *Rome*, that lost the victory of the whole World in the midst of her Triumph.

“ HAVING follow’d the Nobility thus close, they bring us, according to their natural course and divers kinds, to the divers Constitutions of the Senate.

“ THAT of *Israel* (as was shew’d by my Right Noble Lord *PHOSPHORUS DE AUGE*, in the opening of the Common-wealth) consisted of seventy Elders, elected at first by the People. But whereas they were for life, they ever after (tho’ without any divine precept for it) substituted their Successors by Ordination, which Ceremony was most usually perform’d by imposition of hands; and by this means a Common-wealth of as popular institution as can be found, became, as it is accounted by *JOSEPHUS*, Aristocratical. From this Ordination derives that which was introduc’d by the Apostles into the Christian Church; for which cause I think it is, that

“ the Presbyterians would have the Government of the Church to be
 “ Aristocratical: Tho’ the Apostles, to the end, as I conceive, that
 “ they might give no occasion to such a mistake, but shew that they
 “ intended the Government of the Church to be popular, *ordain’d El-*
 “ *ders*, as has been shewn, *by the holding up of hands* (or free Suffrage of
 “ the People) *in every Congregation*, or *Ecclesia*: for that is the word in
 “ the Original, being borrow’d from the civil Congregations of the
 “ People in *Athens* and *Lacedemon*, which were so call’d; and the
 “ word for *holding up of hands* in the Text, is also the very same, which
 “ signify’d the Suffrage of the People in *Athens*, *χειροτονήσαντες*; for
 “ the Suffrage of the *Athenians* was given *per Chirotonian*, says EM-

MIUS.

“ THE Council of the Bean (as was shewn by my Lord NA-
 “ VARCHUS DE PARALO in his full Discourse) being the propo-
 “ sing Senate of *Athens* (for that of the *Areopagits* was a Judiciary)
 “ consisted of four, some say five hundred Senators, elected annually,
 “ all at once, and by a mere lot without suffrage. Wherefore tho’ the
 “ Senate, to correct the temerity of the Lot, had power to cast out
 “ such as they should judge unworthy of that honour; this related to
 “ manners only, and was not sufficient to repair the Common-wealth,
 “ which by such means became impotent: and forasmuch as her Senate
 “ consisted not of the natural Aristocracy, which in a Common-wealth
 “ is the only spur and rein of the People, it was cast headlong by the
 “ rashness of her Demagogs or Grandees into ruin; while her Senate,
 “ like the *Roman Tribunes* (* *who almost always, instead of governing,*
 “ *were rather govern’d by the multitude*) propos’d not to the Result only,
 “ but to the debate also of the People, who were therefore call’d to the
 “ Pulpits, where some vomited, and others drank poison.

“ THE Senate of *Lacedemon*, most truly discover’d by my Lord
 “ LACO DE SCYTALE, consisted but of 30 for life, whereof the
 “ two Kings having but single Votes, were hereditary, the rest elect-
 “ ed by the free Suffrage of the People, but out of such as were sixty
 “ years of age. These had the whole debate of the Common-wealth
 “ in themselves, and propos’d to the Result only of the People. And
 “ now the riddle which I have heretofore found troublesome to unfold
 “ is out; that is to say, why *Athens* and *Lacedemon*, consisting each of
 “ the Senate and the People, the one should be held a Democracy, and
 “ the other an Aristocracy, or laudable Oligarchy, as it is term’d by
 “ ISOCRATES; for that word is not, wherever you meet it, to be
 “ branded, seeing it is us’d also by ARISTOTLE, PLUTARCH,
 “ and others, sometimes in a good sense. The main difference was,
 “ that the People in this had the Result only, and in that the Debate
 “ and Result too. But for my part, where the People have the electi-
 “ on of the Senate, not bound to a distinct order, and the Result, which
 “ is the Sovereign Power, I hold them to have that share in the Govern-
 “ ment (the Senate being not for life) whereof, with the safety of the
 “ Common-wealth, they are capable in nature; and such a Govern-
 “ ment, for that cause, to be Democracy: tho’ I do not deny, but in
 “ *Lacedemon*, the paucity of the Senators consider’d, it might be call’d
 “ *Oligarchy*, in comparison of *Athens*; or, if we look on their conti-
 “ nuance for life, tho’ they had been more, *Aristocracy*.

* Qui fere semper regebantur a multitudine magis quam regebant.

“ THE Senate of *Rome* (whose Fame has been heard to thunder in
 “ the Eloquence of my Lord DOLABELLA D’ ENYO) consisting of
 “ 300, was, in regard of the number, less Oligarchical than that of
 “ *Lacedemon*; but more in regard of the *Patrician*, who, having a
 “ hereditary Capacity of the same, were not elected to that Honour
 “ by the People; but, being conscrib’d by the Censors, enjoy’d it for
 “ life. Wherefore these, if they had their wills, would have resolv’d
 “ as well as debated; which set the People at such variance with them,
 “ as dissolv’d the Common-wealth: whereas if the People had en-
 “ joy’d the Result, that about the Agrarian, as well as all other strife,
 “ must of necessity have ceas’d.

“ THE Senates of *Switzerland* and *Holland* (as I have learnt of
 “ my Lords ALPESTER and GLAUCUS) being bound up (like
 “ the sheaf of Arrows which the latter gives) by Leagues, lie like
 “ those in their Quivers: But Arrows, when they come to be drawn,
 “ fly some this way, and some that; and I am contented that these
 “ concern us not.

“ THAT of *Venice* (by the faithful Testimony of my most ex-
 “ cellent Lord LINCEUS DE STELLA) has oblig’d a World, sufficient-
 “ ly punish’d by its own blindness and ingratitude, to repent and be
 “ wiser: for whereas a Common-wealth in which there is no Senate,
 “ or where the Senate is corrupt, cannot stand; the Great Council of
 “ *Venice*, like the Statue of *Nilus*, leans upon an Urn or Waterpot,
 “ which pours forth the Senate in so pure and perpetual a stream,
 “ as being unable to stagnate, is for ever incapable of Corruption.
 “ The fuller Description of this Senate is contain’d in that of *Oceana*;
 “ and that of *Oceana* in the foregoing Orders. To every one of
 “ which, because something has been already said, I shall not speak
 “ in particular. But in general, your Senate, and the other Assembly,
 “ or the Prerogative, as I shall shew in due place, are perpetual, not
 “ as Lakes or Puddles, but as the Rivers of *Eden*; and are beds made,
 “ as you have seen, to receive the whole People, by a due and faithful
 “ vicissitude, into their current. They are not, as in the late way, al-
 “ ternate. Alternate Life in Government is the alternate * Death of it.

“ THIS was the *Gothic* work, whereby the former Government
 “ (which was not only a ship, but a gulf too) could never open her
 “ sails, but in danger to overset her self; neither could make any voy-
 “ age nor lie safe in her own harbour. The Wars of later ages, says
 “ VERULAMIUS, seem to be made in the dark, in respect of the glory
 “ and honour which reflected on men from the Wars in antient times.
 “ Their shipping of this sort was for Voyages, ours dare not launch;
 “ nor lies it safe at home. Your *Gothic* Politicians seem to me rather
 “ to have invented some new Ammunition or Gunpowder, in their
 “ King and Parliament, than Government. For what is become of
 “ the Princes (a kind of People) in *Germany*? blown up. Where are
 “ the Estates, or the Power of the People in *France*? blown up.
 “ Where is that of the People in *Arragon*, and the rest of the *Spanish*
 “ Kingdoms? blown up. On the other side, where is the King of
 “ *Spain*’s Power in *Holland*? blown up. Where is that of the *Au-*
 “ *stri*an Princes in *Switzerland*? blown up. This perpetual peevishness
 “ and jealousy, under the alternate Empire of the Prince, and of the

* Ut fratrem pollux alternâ morte redemit.

“ People, is obnoxious to every Spark. Nor shall any man shew a
 “ reason that will be holding in prudence, why the People of
 “ *Oceana* have blown up their King, but that their Kings did not
 “ first blow up them. The rest is discourse for Ladies. Wherefore
 “ your Parliaments are not henceforth to come out of the Bag of
 “ *ÆOLUS*, but by your Galaxies, to be the perpetual food of the
 “ Fire of *VESTA*.

“ YOUR Galaxies, which divide the House into so many Re-
 “ gions, are three; one of which constituting the third Region is an-
 “ nually chosen, but for the term of three years; which causes the
 “ House (having at once Blossoms, Fruit half ripe, and others drop-
 “ ping off in full maturity) to resemble an Orange-tree, such as is at
 “ the same time an Education or Spring, and a Harvest too: for the
 “ People have made a very ill choice in the Man, who is not easily
 “ capable of the perfect knowledge in one year of the Senatorian Or-
 “ ders; which Knowledge, allowing him for the first to have been a
 “ Novice, brings him the second year to practice, and time enough.
 “ For at this rate you must always have two hundred knowing Men
 “ in the Government. And thus the Vicissitude of your Senators is
 “ not perceivable in the steadiness and perpetuity of your Senate;
 “ which, like that of *Venice*, being always changing, is for ever the
 “ same. And tho’ other Politicians have not so well imitated their
 “ Pattern, there is nothing more obvious in Nature, seeing a Man who
 “ wears the same Flesh but a short time, is nevertheless the same Man,
 “ and of the same genius; and whence is this but from the constancy
 “ of Nature, in holding a Man to her Orders? Wherefore keep also
 “ to your Orders. But this is a mean Request, your Orders will be
 “ worth little, if they do not hold you to them; wherefore embark.
 “ They are like a Ship, if you be once aboard, you do not carry them,
 “ but they you; and see how *Venice* stands to her tackling: you will
 “ no more forsake them, than you will leap into the Sea.

“ BUT they are very many, and difficult. O, my Lords, what
 “ Seaman casts away his Card, because it has four and twenty Points
 “ of the Compass? and yet those are very near as many, and as dif-
 “ ficult as the Orders in the whole circumference of your Common-
 “ wealth. Consider, how have we been tost with every wind of Doc-
 “ trine, lost by the glib Tongues of your Demagogs and Grandees in
 “ our own Havens? A company of Fiddlers that have disturb’d your
 “ rest for your Groat; two to one, three thousand pounds a year to
 “ another, has been nothing. And for what? Is there one of them
 “ that yet knows what a Common-wealth is? And are you yet afraid
 “ of such a Government in which these shall not dare to scrape, for
 “ fear of the Statute? *THEMISTOCLES* could not fiddle, but could
 “ make of a small City a great Common-wealth: these have fiddl’d,
 “ and for your Money, till they have brought a great Common-wealth
 “ to a small City.

“ IT grieves me, while I consider how, and from what causes ima-
 “ ginary Difficulties will be aggravated, that the foregoing Orders
 “ are not capable of any greater clearness in discourse or writing:
 “ But if a Man should make a Book, describing every trick or pas-
 “ sage, it would fare no otherwise with a game at Cards; and this is
 “ no more, if a Man plays upon the square. *There is a great diffe-*
 “ *rence, says VERULAMIUS, between a cunning Man and a wise*
 “ *Man*

“ *Man* (between a Demagog and a Legislator) *not only in point of*
 “ *honesty, but in point of ability: As there be that can pack the Cards,*
 “ *and yet cannot play well; so there be some that are good in Canvasses*
 “ *and Factions, that are otherwise weak men.* Allow me but these Or-
 “ ders, and let them come with their Cards in their sleeves, or pack
 “ if they can. Again, says he, *it is one thing to understand Persons,*
 “ *and another to understand Matters; for many are perfect in Men's hu-*
 “ *mors, that are not greatly capable of the real part of Business: which*
 “ *is the constitution of one that has study'd Men more than Books.* But
 “ *there is nothing more hurtful in a State, than that cunning men should*
 “ *pass for wise.* His words are an Oracle. As DIONYSIUS, when
 “ he could no longer exercise his Tyranny among Men, turn'd School-
 “ master, that he might exercise it among Boys. Allow me but these
 “ Orders, and your Grandees so well skill'd in the Baits and Palates of
 “ Men, shall turn Rat-catchers.

“ AND whereas *Councils* (as is discreetly observ'd by the same
 “ Author in his time) *are at this day, in most places, but familiar meet-*
 “ *ings* (somewhat like the Academy of our Provosts) *where matters*
 “ *are rather talk'd on than debated, and run too swift to order an Act of*
 “ *Council; give me my Orders, and see if I have not puzzle'd your*
 “ Demagogs.

“ IT is not so much my desire to return upon hants, as theirs that
 “ will not be satisfy'd; wherefore if, notwithstanding what was said
 “ of dividing and choosing in our preliminary Discourses, men will yet
 “ be returning to the Question, Why the Senate must be a Council a-
 “ part (tho' even in *Athens*, where it was of no other Constitution
 “ than the popular Assembly, the distinction of it from the other was
 “ never held less than necessary) this may be added to the former
 “ Reasons, that if the Aristocracy be not for the Debate, it is for no-
 “ thing; but if it be for debate, it must have convenience for it: And
 “ what convenience is there for debate in a crowd, where there is no-
 “ thing but jostling, treading upon one another, and stirring of
 “ Blood, than which in this case there is nothing more dangerous?
 “ Truly, it was not ill said of my Lord EPIMONUS, That *Ve-*
 “ *nice* plays her game, as it were, at Billiards or Nine-holes; and so
 “ may your Lordships, unless your Ribs be so strong, that you think
 “ better of Football: for such sport is Debate in a popular Assembly,
 “ as, notwithstanding the distinction of the Senate, was the destructi-
 “ on of *Athens*.

THIS Speech concluded the Debate which happen'd at the Insti-
 tution of the Senate. The next Assembly is that of the People or Pre-
 rogative Tribe.

THE face, or mein of the Prerogative Tribe for the Arms, the
 Horses, and the Discipline, but more especially for the select men, is
 that of a very noble Regiment, or rather of two; the one of Horse,
 divided into three Troops (besides that of the Provinces, which will
 be shewn hereafter) with their Captains, Cornets, and two Tribunes
 of the Horse at the head of them; the other of Foot in three Com-
 panies (besides that of the Provinces) with their Captains, Ensigns,
 and two Tribunes of the Foot at the head of them. The first Troop
 is call'd the *Phœnix*; the second the *Pelican*; and the third the *Swallow*.
 The first Company the *Cypress*; the second the *Myrtle*; and the third
 the

*The Face of the
 Prerogative
 Tribe.*

the *Spray*. Of these again (not without a near resemblance of the *Roman* division of a Tribe) the *Phœnix* and the *Cypress* constitute the first Class; the *Pelican* and the *Myrtle* the second; and the *Swallow* with the *Spray* the third, renew'd every Spring by

21. Order.
The Change or
Election of the
Triennial Offi-
cers of the
Prerogative.

THE one and twentieth ORDER, directing, that upon every Monday next ensuing the last of *March*, the Deputies of the annual *Galaxy* arriving at the Pavilion in the *Halo*, and electing one Captain and one Cornet of the *Swallow* (triennial Officers) by and out of the Cavalry at the Horse Urn, according to the Rules contain'd in the Ballot of the Hundred; and one Captain with one Ensign of the *Spray* (triennial Officers) by and out of the Infantry at the Foot Urn, after the same way of balloting; constitute and become the third Classes of the Prerogative Tribe.

SEVEN Deputies are annually return'd by every Tribe, whereof three are Horse, and four are Foot; and there be fifty Tribes: so the *Swallow* must consist of 150 Horse, the *Spray* of 200 Foot. And the rest of the Classes being two, each of them in number equal; the whole Prerogative (besides the Provinces, that is, the Knights and Deputies of *Marpesia* and *Panopea*) must consist of 1050 Deputies. And these Troops and Companies may as well be call'd Centuries as those of the *Romans*; for the *Romans* related not, in so naming theirs, to the number. And whereas they were distributed according to the valuation of their Estates, so are these; which by virtue of the last Order, are now accommodated with their triennial Officers. But there be others appertaining to this Tribe, whose Election, being of far greater importance, is annual, as follows in

22. Order.
The Change or
Election of the
Annual Magi-
strates of the
Prerogative.

THE twenty second ORDER; whereby the first Class having elected their triennial Officers, and made Oath to the Old Tribunes, that they will neither introduce, cause, nor to their power suffer Debate to be introduc'd into any popular Assembly of this Government, but to their utmost be aiding and assisting to seize and deliver any Person or Persons in that way offending, and striking at the Root of this Common-wealth, to the Council of War; are to proceed with the other two Classes of the Prerogative Tribe to election of the new Tribunes, being four annual Magistrates, whereof two are to be elected out of the Cavalry at the Horse Urn, and two out of the Infantry at the Foot Urn, according to the common Ballot of the Tribes. And they may be promiscuously chosen out of any Classis, provided that the same Person shall not be capable of bearing the Tribunitian Honour twice in the term of one *Galaxy*. The Tribunes thus chosen shall receive the Tribe (in reference to the Power of mustering and disciplining the same) as Commanders in chief; and for the rest as Magistrates, whose proper Function is prescrib'd by the next Order. The Tribunes may give leave to any number of the Prerogative, not exceeding one hundred at a time, to be absent, so they be not Magistrates, nor Officers, and return within three months. If a Magistrate or Officer has a necessary occasion, he may also be absent for the space of one month; provided, that there be not above three Cornets or Ensigns, two Captains, or one Tribune so absent at one time.

TO this the ARCHON spoke at the Institution after this manner.

My

My Lords,

IT is affirm'd by CICERO in his Oration for FLACCUS, that the Common-wealths of *Greece* were all shaken or ruin'd by the intemperance of their *Comitia*, or Assemblies of the People. The truth is, if good heed in this point be not taken, a Commonwealth will have bad legs. But all the world knows he should have excepted *Lacedemon*, where the People, as has been shewn by the Oracle, had no power at all of Debate, nor (till after LYSANDER, whose Avarice open'd a gulf, that was not long ere it swallow'd up his Country) came it ever to be exercis'd by them. Whence that Common-wealth stood longest and firmest of any other, but this, in our days, of *Venice*: which having underlaid her self with the like Institution, owes a great, if not the greatest part of her steadiness to the same principle; the great Council, which is with her the People, by the Authority of my Lord EPIMONUS, never speaking a word. Nor shall any Commonwealth, where the People in their political capacity is talkative, ever see half the days of one of these: But being carried away by vain-glorious Men (that, as OVERBURY says, piss more than they drink) swim down the stream; as did *Athens*, the most prating of these Dames, when that same ranting fellow ALCIBIADES fell a demagoging for the *Sicilian* War. But whereas Debate by the authority and experience of *Lacedemon* and *Venice*, is not to be committed to the People in a well-order'd Government, it may be said, That the Order specify'd is but a slight bar in a matter of like danger; for so much as an Oath, if their be no recourse upon the breach of it, is a weak tie for such hands as have the Sword in them: wherefore what should hinder the People of *Oceana*, if they happen not to regard an Oath, from assuming Debate, and making themselves as much an Anarchy as those of *Athens*? To which I answer, Take the common sort in a private capacity, and, except they be injur'd, you shall find them to have a bashfulness in the presence of the better sort, or wiser Men; acknowledging their Abilities by attention, and accounting it no mean honour to receive respect from them: But if they be injur'd by them, they hate them, and the more for being wise or great, because that makes it the greater injury. Nor refrain they in this case from any kind of intemperance of Speech, if of Action. It is no otherwise with a People in their political capacity; you shall never find that they have assum'd Debate for it self, but for something else. Wherefore in *Lacedemon* where there was, and in *Venice* where there is nothing else for which they should assume it, they have never shewn so much as an inclination to it. Nor was there any appearance of such a desire in the People of *Rome* (who from the time of ROMULUS had been very well contented with the power of Result either in the * Parochial Assemblies, as it was settled upon them by him; or in the meetings of the † Hundreds, as it was alter'd in their regard for the worse by SERVIUS TULLIUS) till news was brought some fifteen years after the exile of TARQUIN their late King (during

* Comitiiis Curiatis. † Centuriatis.

“ which

“ which time the Senate had govern’d pretty well) that he was dead
 “ at the Court of ARISTODEMUS the Tyrant of *Cumæ*. * Where-
 “ upon the *Patricians*, or Nobility, began to let out the hitherto
 “ dissembl’d Venom, which is inherent in the root of Oligarchy,
 “ and fell immediately upon injuring the People beyond all modera-
 “ tion. For whereas the People had serv’d both gallantly and con-
 “ tentedly in Arms upon their own charges, and, tho’ joint Purchasers
 “ by their Swords of the conquer’d Lands, had not participated in
 “ the same to above two Acres a man (the rest being secretly
 “ usurp’d by the *Patricians*) they thro’ the meanness of their support,
 “ and the greatness of their expence, being generally indebted, no
 “ sooner return’d home with Victory to lay down their Arms, than
 “ they were snatch’d up by their Creditors, the Nobility, to cram
 “ Goals. Whereupon, but with the greatest modesty that was ever
 “ known in the like case, they first fell upon debate, affirming, † *that*
 “ *they were oppress’d and captivated at home, while abroad they fought for*
 “ *Liberty and Empire; and that the Freedom of the common People was*
 “ *safer in time of War than Peace, among their Enemies than their Fel-*
 “ *low citizens.* It is true, that when they could not get the Senate, thro’
 “ fear, as was pretended by the *Patricians*, to assemble and take their
 “ grievances into consideration, they grew so much the warmer, that
 “ it was glad to meet; where APPIUS CLAUDIUS, a fierce Spirit,
 “ was of opinion, that recourse should be had to Consular power,
 “ whereby some of the brands of Sedition being taken off, the flame
 “ might be extinguish’d. SERVILIUS being of another temper, thought
 “ it better and safer to try if the People might be bow’d than broken.
 “ But this debate was interrupted by tumultuous news of the near
 “ approach of the *Volsci*, a case in which the Senate had no recourse
 “ but to the People, who contrary to their former custom upon the
 “ like occasions would not stir a foot, but fell a laughing, and saying,
 “ || Let them fight that have something to fight for. The Senate that
 “ had purses, and could not sing so well before the Thief, being
 “ in a great perplexity, found no possible way out of it, but to be-
 “ seech SERVILIUS, one of a Genius well known to be popular,
 “ That he would accept of the Consulship, and make some such use of
 “ it as might be helpful to the *Patrician* Interest. SERVILIUS ac-
 “ cepting of the Offer, and making use of his Interest with the Peo-
 “ ple, perswaded them to hope well of the good intention of the Fa-
 “ thers, whom it would little beseem to be forc’d to those things which
 “ would lose their Grace, and that in view of the Enemy, if they
 “ came not freely; and withal publish’d an Edict, that no Man
 “ should with-hold a Citizen of *Rome* by imprisonment from giving
 “ his name (for that was the way, as I shall have opportunity here-
 “ after to shew more at large, whereby they drew out their Armies)
 “ nor to seize or sell any man’s Goods or Children that was in the
 “ Camp. Whereupon the People with a mighty concourse immediate-
 “ ly took Arms, march’d forth, and (which to them was as easy as
 “ to be put into the humour, and that, as appears in this place, was not

* *Eo nuncio erecti patres, erecta plebs. Sed patribus nimis luxuriosa ea fuit lætitia; plebi, cui ad eam diem summâ ope inservitum erat, injuriæ à primoribus fieri cœpère. Liv. l. 2. † Se foris pro libertate & imperio dimicantes, domi à civibus captos & oppressos esse: tutioremque in bello quam in pace, inter hostes quam inter cives, libertatem plebis esse. || Patres militarent, patres arma caperent, ut penes eosdem pericula belli, penes quos præmia, essent.*

“ hard)

" hard) totally defeated the *Volsci* first, then the *Sabins* (for the
 " neighbour Nations, hoping to have had a good bargain of the Dis-
 " cord in *Rome*, were up in arms on all sides) and after the *Sabins*,
 " the *Aurunci*. Whence returning victorious in three Battles, they
 " expected no less than that the Senate would have made good their
 " words; when APPIUS CLAUDIUS, the other Consul, of his
 " innate Pride, and that he might frustrate the Faith of his Colleague,
 " caus'd the Soldiers (who being set at liberty, had behav'd them-
 " selves with such valour) to be restor'd at their return to their Credi-
 " tors and their Goals. Great resort upon this was made by the Peo-
 " ple to SERVILIUS, shewing him their Wounds, calling him
 " to witness how they had behav'd themselves, and minding him of
 " his promise. Poor SERVILIUS was sorry, but so over-aw'd with
 " the headiness of his Colleague, and the obstinacy of the whole
 " faction of the Nobility, that not daring to do any thing either
 " way, he lost both Parties: the Fathers conceiving that he was am-
 " bitious, and the People that he was false; while the Consul CLAU-
 " DIUS continuing to countenance such as daily seiz'd and imprison'd
 " some of the indebted People, had still new and dangerous Contro-
 " versies with them, insomuch that the Common-wealth was torn
 " with horrid Division, and the People (because they found it not so
 " safe, or so effectual in public) minded nothing but laying their
 " heads together in private Conventicles. For this AULUS VIRGI-
 " NIUS, and TITUS VETUSIUS, the new Consuls, were reprov'd by
 " the Senate as slothful, and upbraided with the Virtue of APPIUS
 " CLAUDIUS. Whereupon the Consuls having desir'd the Senate,
 " that they might know their pleasure, shew'd afterwards their readi-
 " ness to obey it, by summoning the People according to command,
 " and requiring names whereby to draw forth an Army for diver-
 " sion, but no man would answer. Report hereof being made to
 " the Senate, the younger sort of the Fathers grew so hot with the
 " Consuls, that they desir'd them to abdicate the Magistracy, which
 " they had not the courage to defend.

" THE Consuls, tho' they conceiv'd themselves to be roughly
 " handled, made this soft Answer: *Fathers Conscrip't*, that you may
 " please to take notice it was foretold some horrid Sedition is at hand,
 " we shall only desire, that they whose valour in this place is so great,
 " may stand by us to see how we behave our selves, and then be as
 " resolute in your Commands as you will: your Fatherhoods may
 " know if we be wanting in the performance.

" AT this some of the hot young Noblemen return'd with the
 " Consuls to the Tribunal, before which the People were yet stand-
 " ing; and the Consuls having generally requir'd names in vain, to
 " put it to something, requir'd the name of one that was in their eye
 " particularly; on whom, when he mov'd not, they commanded a
 " Lic'tor to lay hands: but the People thronging about the Party
 " summon'd, forbad the Lic'tor, who durst not touch him; at which
 " the Hotspurs that came with the Consuls, enrag'd by the affront,
 " descended from the Throne to the aid of the Lic'tor; from whom
 " in so doing they turn'd the indignation of the People upon them-
 " selves with such heat, that the Consuls interposing, thought fit, by
 " remitting the Assembly, to appease the Tumult; in which never-
 " theless there had been nothing but noise. Nor was there less in the

" Senate, being suddenly rally'd upon this occasion, where they that
 " receiv'd the repulse, with others whose head were as addle as their
 " own, fell upon the business as if it had been to be determin'd by cla-
 " mour, till the Consuls, upbraiding the Senate that it differ'd not from
 " the Market-place, reduc'd the House to Orders. And the Fathers
 " having been consulted accordingly, there were three Opinions; PUB-
 " LIUS VIRGINIUS conceiv'd, that the consideration to be had
 " upon the matter in question, or aid of the indebted and imprison'd
 " People, was not to be further extended than to such as had en-
 " gag'd upon the promise made by SERVILIUS: TITUS LAR-
 " GIUS, that it was no time to think it enough, if men's Merits were
 " acknowledg'd, while the whole People, sunk under the weight of
 " their debts, could not emerge without some common aid; which to
 " restrain, by putting some into a better condition than others, would
 " rather more inflame the Discord than extinguish it. APPIUS
 " CLAUDIUS (still upon the old hant) would have it, that the
 " People were rather wanton than fierce: It was not oppression that
 " necessitated, but their Power that invited them to these freaks; the
 " Empire of the Consuls since the appeal to the People (whereby a
 " Plebeian might ask his fellows if he were a Thief) being but a
 " mere scare-crow. Go to, says he, let us create the Dictator, from
 " whom there is no appeal, and then let me see more of this work,
 " or him that shall forbid my Lictor. The advice of APPIUS was
 " abhor'd by many; and to introduce a general recision of Debts with
 " LARGIUS, was to violate all Faith: That of VIRGINIUS, as
 " the most moderate, would have pass'd best, but that there were private
 " Interests, that constant bane of the Public, which withstood it.
 " So they concluded with APPIUS, who also had been Dictator, if
 " the Consuls and some of the graver sort had not thought it altoge-
 " ther unseasonable, at a time when the *Volsci* and the *Sabins* were up
 " again, to venture so far upon alienation of the People: for which
 " cause VALERIUS, being descended from the PUBLICOLAS, the
 " most popular Family, as also in his own person of a mild nature,
 " was rather trusted with so rigid a Magistracy. Whence it hap-
 " pen'd, that the People, tho' they knew well enough against whom
 " the Dictator was created, fear'd nothing from VALERIUS; but
 " upon a new promise made to the same effect with that of SERVI-
 " LIUS, hop'd better another time, and throwing away all disputes,
 " gave their names roundly, went out, and, to be brief, came home
 " again as victorious as in the former Action, the Dictator entring the
 " City in Triumph. Nevertheless when he came to press the Senate
 " to make good his promise, and do something for the ease of the Peo-
 " ple, they regarded him no more as to that point than they had done
 " SERVILIUS. Whereupon the Dictator, in disdain to be made a
 " stale, abdicated his Magistracy, and went home. Here then was
 " a victorious Army without a Captain, and a Senate pulling it by the
 " beard in their Gowns. What is it (if you have read the Story, for
 " there is not such another) that must follow? Can any man imagine,
 " that such only should be the opportunity upon which this People
 " could run away? Alas, poor men, the *Æqui* and the *Volsci*, and the
 " *Sabins* were nothing, but the Fathers invincible! There they sat
 " some three hundred of them arm'd all in Robes, and thundering with
 " their Tongues, without any hopes in the earth to reduce them to
 " any

“ any tolerable conditions. Wherefore, not thinking it convenient to
 “ abide long so near them, away marches the Army, and encamps in
 “ the fields. This Retreat of the People is call’d the *Secession of Mount*
 “ *Aventin*, where they lodg’d very sad at their condition; but not let-
 “ ting fall so much as a word of murmur against the Fathers. The
 “ Senate by this time were great Lords, had the whole City to them-
 “ selves; but certain Neighbours were upon the way that might come
 “ to speak with them, not asking leave of the Porter. Wherefore
 “ their minds became troubl’d, and an Orator was posted to the Peo-
 “ ple to make as good conditions with them as he could; but, what-
 “ ever the terms were, to bring them home, and with all speed.
 “ And here it was covenanted between the Senate and the People,
 “ that these should have Magistrates of their own Election, call’d the
 “ *Tribunes*; upon which they return’d.

“ T O hold you no longer, the Senate having done this upon ne-
 “ cessity, made frequent attempts to retract it again; while the Tri-
 “ bunes on the other side, to defend what they had got, instituted their
 “ *Tributa Comitia*, or Council of the People; where they came in time,
 “ and, as Disputes increas’d, to make Laws without the Authority of
 “ the Senate, call’d *Plebiscita*. Now to conclude in the point at which
 “ I drive; such were the steps whereby the People of *Rome* came to
 “ assume Debate: nor is it in Art or Nature to debar a People of the
 “ like effect, where there is the like cause. For ROMULUS having
 “ in the Election of his Senate squar’d out a Nobility for the support
 “ of a Throne, by making that of the *Patricians* a distinct and here-
 “ ditary Order, planted the Common-wealth upon two contrary In-
 “ terests or Roots, which shooting forth in time produc’d two Com-
 “ mon-wealths, the one Oligarchical in the Nobility, the other a mere
 “ Anarchy of the People, and ever after caus’d a perpetual feud and
 “ enmity between the Senate and the People, even to death.

“ T H E R E is not a more noble or useful question in the Politics
 “ than that which is started by MACHIAVEL, Whether means were
 “ to be found whereby the Enmity that was between the Senate and
 “ the People of *Rome* could have been remov’d. Nor is there any
 “ other in which we, or the present occasion, are so much concern’d,
 “ particularly in relation to this Author; forasmuch as his judgment
 “ in the determination of the question standing, our Common-wealth
 “ falls. And he that will erect a Common-wealth against the Judg-
 “ ment of MACHIAVEL, is oblig’d to give such reasons for his en-
 “ terprize as must not go a begging. Wherefore to repeat the Poli-
 “ tician very honestly, but somewhat more briefly, he disputes thus.

“ T H E R E be two sorts of Common-wealths, the one for prefer- Macch. Disc. B. 1. c. 6.
 “ vation, as *Lacedemon* and *Venice*; the other for increase, as *Rome*.

“ L A C E D E M O N being governed by a King and a small Senate,
 “ could maintain it self a long time in that condition, because the Inhabi-
 “ tants, being few, having put a bar upon the reception of Strangers, and
 “ living in a strict observation of the Laws of LYCURGUS, which now
 “ had got reputation, and taken away all occasion of Tumults, might
 “ well continue long in Tranquillity. For the Laws of LYCURGUS in-
 “ troduc’d a greater equality in Estates, and a less equality in Honours,
 “ whence there was equal Poverty; and the *Plebeians* were less ambitious,
 “ because the Honours or Magistracies of the City could extend but to a
 “ few, and were not communicable to the People: nor did the Nobility
 “ by using them ill, ever give them a desire to participate of the same.

“ This

“ This proceeded from the Kings, whose Principality being plac’d in the
 “ midst of the Nobility, had no greater means whereby to support it self,
 “ than to shield the People from all injury; whence the People not fear-
 “ ing Empire, desir’d it not: And so all occasion of enmity between the
 “ Senate and the People was taken away. But this Union happen’d espe-
 “ cially from two causes; the one, that the Inhabitants of *Lacedemon* be-
 “ ing few could be governed by the Few: the other, that, not receiving
 “ Strangers into their Common-wealth, they did not corrupt it, nor
 “ increase it to such a proportion as was not governable by the Few.

“ *VENICE* has not divided with her Plebeians, but all are call’d
 “ Gentlemen that be in administration of the Government; for which
 “ Government she is more beholden to Chance than the Wisdom of her
 “ Law-makers: For many retiring to those Islands, where that City is
 “ now built, from the inundations of *Barbarians* that over-whelm’d the
 “ *Roman* Empire, when they were encreas’d to such a number, that to
 “ live together it was necessary to have Laws; they ordain’d a form of
 “ Government whereby assembling often in Council upon Affairs, and
 “ finding their number sufficient for Government, they put a bar upon all
 “ such as repairing afterwards to their City should become Inhabitants,
 “ excluding them from participation of Power. Whence they that were
 “ included in the Administration had right; and they that were excluded,
 “ coming afterwards, and being receiv’d upon no other conditions to be
 “ Inhabitants, had no wrong; and therefore had no occasion, nor (being ne-
 “ ver trusted with Arms) any means to be tumultuous. Wherefore this
 “ Common-wealth might very well maintain it self in Tranquillity.

“ *THESE* things consider’d, it is plain that the *Roman* Legislators,
 “ to have introduc’d a quiet State, must have done one of these two things;
 “ either shut out Strangers, as the *Lacedemonians*; or, as the *Venetians*,
 “ not allow’d the People to bear Arms. But they did neither. By which
 “ means the People having power and encrease, were in perpetual tu-
 “ mult. Nor is this to be help’d in a Common-wealth for encrease, see-
 “ ing if *Rome* had cut off the occasion of her Tumults, she must have cut
 “ off the means of her Increase, and by consequence of her Greatness.

“ Wherefore let a Legislator consider with himself, whether he would
 “ make his Common-wealth for preservation, in which case she may be
 “ free from Tumults; or for encrease, in which case she must be in-
 “ fested with them.

“ IF he makes her for preservation, she may be quiet at home; but
 “ will be in danger abroad. *First*, Because her Foundation must be
 “ narrow, and therefore weak, as that of *Lacedemon*, which lay but up-
 “ on 30000 Citizens; or that of *Venice*, which lies but upon 3000. *Se-*
 “ *condly*, Such a Common-wealth must either be in Peace, or in War:
 “ If she be in Peace, the Few are soonest effeminated and corrupted,
 “ and so obnoxious also to Faction. If in War, succeeding ill, she is
 “ an easy prey; or succeeding well, ruin’d by encrease: a weight which
 “ her Foundation is not able to bear. For *Lacedemon*, when she had
 “ made herself Mistress, upon the matter, of all *Greece*, thro’ a slight
 “ accident, the Rebellion of *Thebes*, occasion’d by the Conspiracy of
 “ *PELOPIDAS* discovering this infirmity of her nature, the rest of her
 “ conquer’d Cities immediately fell off, and in the turn as it were of
 “ a hand reduc’d her from the fullest tide to the lowest ebb of her
 “ fortune. And *Venice* having possess’d her self of a great part of *Italy*
 “ by her purse, was no sooner in defence of it put to the trial of
 “ Arms, than she lost all in one Battle.

“ WHENCE

“ W H E N C E I conclude, That in the Ordination of a Common-wealth a Legislator is to think upon that which is most honourable; and laying aside Models for Preservation, to follow the example of *Rome* conniving at, and temporizing with the enmity between the Senate and the People, as a necessary step to the *Roman* Greatness. For that any Man should find out a balance that may take in the conveniences, and shut out the Inconveniences of both, I do not think it possible. *These are the words of the Author, tho’ the method be somewhat alter’d, to the end that I may the better turn them to my purpose.*

“ M Y L O R D S, I do not know how you hearken to this sound; but to hear the greatest Artist in the modern World, giving sentence against our Common-wealth, is that with which I am nearly concerned. Wherefore, with all honour due to the Prince of Politicians, let us examine his reasoning with the same liberty which he has asserted to be the right of a free People. But we shall never come up to him, except by taking the business a little lower, we descend from effects to their causes. The causes of Commotion in a Common-wealth are either external or internal. External are from Enemies, from Subjects or from Servants. To dispute then what was the cause why *Rome* was infested by the *Italian*, or by the Servile Wars; why the Slaves took the Capitol; why the *Lacedemonians* were near as frequently troubl’d with their Helots, as *Rome* with all those; or why *Venice*, whose Situation is not trusted to the faith of Men, has as good or better quarter with them whom she governs, than *Rome* had with the *Latins*; were to dispute upon external causes. The question put by MACHIAVEL is of internal causes; Whether the enmity that was between the Senate and the People of *Rome* might have been remov’d. And to determine otherwise of this question than he does, I must lay down other Principles than he has done. To which end I affirm, that a Common-wealth internally considered, is either equal or unequal. A Common-wealth that is internally equal, has no internal cause of Commotion, and therefore can have no such effect but from without. A Common-wealth internally unequal has no internal cause of quiet, and therefore can have no such effect but by diversion.

“ T O prove my Assertions, I shall at this time make use of no other than his examples. *Lacedemon* was externally unquiet, because she was externally unequal, that is as to her *Helots*; and she was internally at rest, because she was equal in her self, both in root and branch: In the root by her Agrarian, and in branch by the Senate, inasmuch as no Man was thereto qualify’d, but by election of the People. Which Institution of LYCURGUS is mention’d Arist. Polit. B. 2. by ARISTOTLE, where he says, that rendering his Citizens emulous (not careless) of that honour, he assign’d to the People the election of the Senate. Wherefore MACHIAVEL in this, as in other places, having his eye upon the division of *Patrician* and *Plebeian* Families as they were in *Rome*, has quite mistaken the Orders of this Common-wealth, where there was no such thing. Nor did the quiet of it derive from the Power of the Kings, who were so far from shielding the People from the injury of the Nobility, of which there was none in his sense but the Senate, that one declar’d end of the Senate at the institution was to shield the People from the Kings, who from that time had but single Votes. Neither did it

“ proceed from the straitness of the Senate, or their keeping the People
 “ excluded from the Government, that they were quiet, but from
 “ the equality of their administration, seeing the Senate (as is plain
 “ by the Oracle, their fundamental Law) had no more than the De-
 “ bate, and the Result of the Common-wealth belong’d to the People.
 “ Wherefore when THEOPOMPUS and POLYDORUS Kings of La-
 “ cedemon, would have kept the People excluded from the Govern-
 “ ment, by adding to the antient Law this Clause, *If the determina-
 “ tion of the People be faulty, it shall be lawful for the Senate to resume
 “ the Debate*, the People immediately became unquiet, and resum’d
 “ that Debate, which ended not till they had set up their Ephors, and
 “ caus’d that Magistracy to be confirm’d by their Kings. * *For when
 “ THEOPOMPUS first ordain’d that the Ephori or Overseers should be
 “ created at Lacedemon, to be such a restraint upon the Kings there as the
 “ Tribunes were upon the Consuls at Rome, the Queen complain’d to him,
 “ that by this means he transmitted the Royal Authority greatly dimi-
 “ nish’d to his Children: I leave indeed less, answer’d he, but more last-
 “ ing. And this was excellently said; for that Power only is safe which is
 “ limited from doing hurt.* THEOPOMPUS therefore, by confining the
 “ Kingly Power within the bounds of the Laws, did recommend it by so
 “ much to the People’s Affection, as he remov’d it from being Arbitrary.
 “ By which it may appear, that a Common-wealth for preservation,
 “ if she comes to be unequal, is as obnoxious to enmity between
 “ the Senate and the People, as a Common-wealth for increase; and
 “ that the Tranquillity of Lacedemon was deriv’d from no other cause
 “ than her Equality.

“ FOR Venice, to say that she is quiet because she disarms her
 “ Subjects, is to forget that Lacedemon disarm’d her Helots, and yet
 “ could not in their regard be quiet; wherefore if Venice be defended
 “ from external causes of Commotion, it is first thro’ her Situation, in
 “ which respect her Subjects have no hope (and this indeed may be
 “ attributed to her fortune) and, secondly, thro’ her exquisite Justice,
 “ whence they have no will to invade her. But this can be attributed
 “ to no other cause than her Prudence; which will appear to be great-
 “ er, as we look nearer; for the effects that proceed from Fortune, if
 “ there be any such thing, are like their cause, inconstant. But
 “ there never happen’d to any other Common-wealth so undisturb’d
 “ and constant a Tranquillity and Peace in her self, as is that of
 “ Venice; wherefore this must proceed from some other cause than
 “ Chance. And we see that as she is of all others the most quiet,
 “ so the most equal Common-wealth. Her body consists of one
 “ Order, and her Senate is like a rolling stone, as was said, which
 “ never did, nor, while it continues upon that rotation, never shall
 “ gather the moss of a divided or ambitious Interest; much less such a
 “ one as that which grasp’d the People of Rome in the talons of their
 “ own Eagles. And if MACHIAVEL, averse from doing this
 “ Common-wealth right, had consider’d her Orders, as his Reader

* Nam cum primus instituisset Theopompus ut Ephori Lacedæmone crearentur, ita futuri regiae potestati oppositi quemadmodum Romæ Tribuni plebis consulari imperio sunt objecti; atque illi uxor dixisset, id egisse illum ut filiis minorum potestatem relinqueret: Relinquam, inquit, sed diuturniorem. Optimè quidem: Ea enim demum tuta est potentia, quæ viribus suis modum imponit. Theopompus igitur legitimis regnum vinculis constringendo, quo longius à licentia retraxit, hoc propius ad benevolentiam civium admovit. Val. Max. l. 4. c. 1. de externis, §. 8.

“ shall easily perceive he never did, he must have been so far from at-
 “ tributing the Prudence of them to Chance, that he would have
 “ touch’d up his admirable work to that perfection, which, as to the
 “ civil part, has no pattern in the universal World but this of *Venice*.

“ R O M E, secure by her potent and victorious Arms from all ex-
 “ ternal causes of Commotion, was either beholden for her Peace at
 “ home to her Enemies abroad, or could never rest her head. My
 “ L O R D S, you that are Parents of a Common-wealth, and so freer
 “ Agents than such as are merely natural, have a care. For, as no man
 “ shall shew me a Common-wealth born streight, that ever became
 “ crooked; so, no man shall shew me a Common-wealth born crook-
 “ ed, that ever became streight. *Rome* was crooked in her birth, or ra-
 “ ther prodigious. Her twins the *Patricians* and *Plebeian* Orders
 “ came, as was shewn by the foregoing story, into the World, one
 “ body but two heads, or rather two bellies: for, notwithstanding
 “ the Fable out of *Æsop*, whereby *MENENIUS AGRIPPA* the Orator
 “ that was sent from the Senate to the People at Mount *Aventin*,
 “ shew’d the Fathers to be the Belly, and the People to be the Arms
 “ and the Legs (which except that, how slothful soever it might seem,
 “ they were nourish’d, not these only, but the whole Body must lan-
 “ guish and be dissolv’d) it is plain, that the Fathers were a distinct
 “ Belly; such a one as took the meat indeed out of the People’s
 “ mouths, but abhorring the Agrarian, return’d it not in the due and
 “ necessary nutrition of a Common-wealth. Nevertheless, as the
 “ People that live about the Cataracts of *Nilus* are said not to hear the
 “ noise, so neither the *Roman* Writers, nor *MACHIAVEL* the most
 “ conversant with them, seem among so many of the Tribunitian
 “ storms, to hear their natural voice: for tho’ they could not miss
 “ of it so far as to attribute them to the strife of the People for parti-
 “ cipation in Magistracy, or, in which *MACHIAVEL* more particu-
 “ larly joins, to that about the Agrarian; this was to take the business
 “ short, and the remedy for the disease.

“ A P E O P L E, when they are reduc’d to misery and despair,
 “ become their own Politicians, as certain Beasts when they are sick
 “ become their own Physicians, and are carry’d by a natural instinct to
 “ the desire of such Herbs as are their proper cure; but the People,
 “ for the greater part, are beneath the Beasts in the use of them.
 “ Thus the People of *Rome*, tho’ in their misery they had recourse
 “ by instinct, as it were, to the two main Fundamentals of a Com-
 “ mon-wealth, participation of Magistracy, and the Agrarian, did
 “ but taste and spit at them, not (which is necessary in Physic)
 “ drink down the potion, and in that their healths. For when they
 “ had obtain’d participation of Magistracy, it was but lamely, not to
 “ a full and equal Rotation in all Elections; nor did they greatly re-
 “ gard it in what they had got. And when they had attain’d to the
 “ Agrarian, they neglected it so far as to suffer the Law to grow ob-
 “ solete: but if you do not take the due dose of your Medicines (as
 “ there be slight tastes which a man may have of Philosophy that in-
 “ cline to Atheism) it may chance to be poison, there being a like
 “ taste of the Politics that inclines to Confusion, as appears in the
 “ Institution of the *Roman* Tribunes, by which Magistracy and no
 “ more, the People were so far from attaining to Peace, that they in
 “ getting but so much, got but heads for an eternal feud; whereas if
 “ they

“ they had attain’d in perfection either to the Agrarian, they had
 “ introduc’d the equality and calm of *Lacedemon*, or to Rotation,
 “ and they had introduc’d that of *Venice*: And so there could have
 “ been no more enmity between the Senate and the People of *Rome*,
 “ than there was between those Orders in *Lacedemon*, or is now in *Ve-*
 “ *nice*. Wherefore MACHIAVEL seems to me, in attributing the Peace
 “ of *Venice* more to her luck than her prudence, of the whole stable to
 “ have saddled the wrong Horse; for tho’ *Rome* * in her military part
 “ could beat it better, beyond all comparison, upon the founding
 “ hoof, *Venice* for the civil part has plainly had the wings of *Pegasus*.
 “ THE whole Question then will come upon this point, Whether
 “ the People of *Rome* could have obtain’d these Orders? And first, to
 “ say, that they could not have obtain’d them without altering the
 “ Common-wealth, is no Argument; seeing neither could they, with-
 “ out altering the Common-wealth, have obtain’d their Tribunes, which
 “ nevertheless were obtain’d. And if a man considers the posture
 “ that the People were in when they obtain’d their Tribunes, they
 “ might as well, and with as great ease (forasmuch as the reason why
 “ the Nobility yielded to the Tribunes was no other, than that there
 “ was no remedy) have obtain’d any thing else. And for experience,
 “ it was in the like case that the *Lacedemonians* did set up their *Ephors*,
 “ and the *Athenians* after the battle of *Plateæ* bow’d the Senate (so
 “ hard a thing it is for a Common-wealth that was born crooked to
 “ become streight) as much the other way. Nor, if it be objected,
 “ that this must have ruin’d the Nobility (and in that depriv’d the
 “ Common-wealth of the Greatness which she acquir’d by them) is
 “ this opinion holding; but confuted by the sequel of the story, shew-
 “ ing plainly, that the Nobility thro’ the defect of such Orders, that
 “ is to say, of Rotation and the Agrarian, came to eat up the Peo-
 “ ple: and battenning themselves in Luxury, to be, as SALUST speaks
 “ of them, † *a most sluggish and lazy Nobility, in whom, besides the*
 “ *name, there was no more than in a statue*; and to bring so mighty a
 “ Common-wealth, and of so huge a Glory, to so deplorable an end.
 “ Wherefore means might have been found to remove the enmity that
 “ was between the Senate and the People of *Rome*.
 “ MY LORDS, If I have argu’d well, I have given you the
 “ comfort and assurance, that notwithstanding the judgment of MA-
 “ CHIAVEL, your Common-wealth is both safe and sound: but if I
 “ have not argu’d well, then take the comfort and assurance which he
 “ gives you while he is firm, That a Legislator is to lay aside all other
 “ examples, and follow that of *Rome* only, conniving and temporiz-
 “ ing with the enmity between the Senate and the People, as a neces-
 “ sary step to the *Roman* Greatness. Whence it follows, that your
 “ Common-wealth, at the worst, is that which he has given you his
 “ word is the best.
 “ I HAVE held your Lordships long, but upon an account of no
 “ small importance, which I can now sum up in these few words:
 “ Where there is a liquorishness in a popular Assembly to debate, it
 “ proceeds not from the Constitution of the People, but of the Com-

* ——— Qui nimbo & non imitabile fulmen

Æge, & cornipedum cursu simularat equorum.

† Inertissimi nobiles, in quibus, sicut in statua, præter nomen nihil erat additamenti.

“ mon-wealth.

“ mon-wealth. Now that your Common-wealth is of such a Consti-
 “ tution as is naturally free from this kind of intemperance, is that
 “ which to make good, I must divide the remainder of my Discourse
 “ into two Parts.

“ THE First, shewing the several Constitutions of the Assem-
 “ blies of the People in other Common-wealths.

“ THE Second, comparing our Assembly of the People with
 “ theirs; and shewing how it excludes the Inconveniences, and
 “ imbraces the Conveniences of them all.

“ I N the beginning of the first Part I must take notice, that among
 “ the popular Errors of our days it is no small one, that men imagine
 “ the antient Governments of this kind to have consisted for the most
 “ part of one City, that is, of one Town; whereas by what we have
 “ learnt of my Lords that open'd them, it appears that there was not
 “ any considerable one of such a Constitution but *Carthage*, till this
 “ in our days of *Venice*.

“ F O R to begin with *Israel*, it consisted of the twelve Tribes, lo-
 “ cally spread or quarter'd throughout the whole Territory; and these
 “ being call'd together by Trumpets, constituted the Church or Assem-
 “ bly of the People. The vastness of this weight, as also the slowness
 “ thence unavoidable, became a great cause (as has been shewn at large
 “ by my Lord PHOSPHORUS) of the breaking that Common-wealth;
 “ notwithstanding that the Temple, and those religious Ceremonies
 “ for which the People were at least annually oblig'd to repair thither,
 “ were no small Ligament of the Tribes, otherwise slightly tack'd
 “ together.

“ A T H E N S consisted of four Tribes, taking in the whole People
 “ both of the City and of the Territory; not so gather'd by THE-
 “ SEUS into one Town, as to exclude the Country, but to the end
 “ that there might be some Capital of the Common-wealth: tho' true it
 “ be, that the Congregation consisting of the Inhabitants within the
 “ Walls, was sufficient to all intents and purposes, without those of
 “ the Country. These also being exceeding numerous, became bur-
 “ densome to themselves, and dangerous to the Commonwealth; the
 “ more for their ill education, as is observ'd by XENOPHON and
 “ POLYBIUS, who compare them to Mariners that in a calm are
 “ perpetually disputing and swaggering one with another, and never
 “ lay their hands to the common tackling or safety, till they be all in-
 “ danger'd by some storm. Which caus'd THUCYDIDES when he
 “ saw this People thro' the purchase of their Misery become so much
 “ wiser, as to reduce their *Comitia* or Assemblies to five thousand, to
 “ say in his eighth Book; *And now, at least in my time, the Athenians*
 “ *seem to have order'd their State aright, consisting of a moderate temper*
 “ *both of the Few* (by which he means the Senate of the *Bean*) *and of*
 “ *the Many*, or the five thousand. And he does not only give you his
 “ judgment, but the best proof of it; for *this*, says he, *was the first*
 “ *thing that, after so many misfortunes past, made the City again to raise*
 “ *her head*. The place I would desire your Lordships to note, as the
 “ first example that I find, or think is to be found, of a popular Af-
 “ sembly by way of Representative.

R r

“ L A C E-

“ LACEDEMON consisted of thirty thousand Citizens dispers’d
 “ throughout *Laconia*, one of the greatest Provinces in all *Greece*, and di-
 “ vided, as by some Authors is probable, into six Tribes. Of the
 “ whole body of these, being gather’d, consisted the great Church or
 “ Assembly, which had the Legislative Power; the little Church, ga-
 “ ther’d sometimes for matters of concern within the City, consisted of
 “ the *Spartans* only. These happen’d, like that of *Venice*, to be good
 “ Constitutions of a Congregation, but from an ill cause the infirmity
 “ of a Common-wealth, which thro’ her paucity was Oligarchical.

“ W H E R E F O R E, go which way you will, it should seem,
 “ that without a Representative of the People, your Common-wealth
 “ consisting of a whole Nation, can never avoid falling either into
 “ Oligarchy or Confusion.

“ T H I S was seen by the *Romans*, whose rustic Tribes extending
 “ themselves from the River *Arno* to the *Vulturnus*, that is, from *Fe-*
 “ *sulæ* or *Florence* to *Capua*, invented a way of Representative by Lots:
 “ the Tribe upon which the first fell, being the Prerogative; and some
 “ two or three more that had the rest, the *Jure vocatæ*. These gave
 “ the Suffrage of the Common-wealth in * two meetings; the Prero-
 “ gative at the first Assembly, and the *Jure vocatæ* at a second.

“ N O W to make the parallel, all the Inconveniences that you have
 “ observ’d in these Assemblies are shut out, and all the Conveniences
 “ taken into your Prerogative. For first it is that for which *Athens*,
 “ shaking off the blame of XENOPHON and POLYBIUS, came
 “ to deserve the praise of THUCYDIDES, a Representative. And,
 “ secondly, not as I suspect in that of *Athens*, and is past suspicion in
 “ this of *Rome*, by lot, but by suffrage, as was also the late House of
 “ Commons, by which means in your Prerogatives all the Tribes of
 “ *Oceana* are *Jure vocatæ*; and if a man shall except against the pau-
 “ city of the standing number, it is a wheel, which in the revolution
 “ of a few years turns every hand that is fit, or fits every hand that it
 “ turns to the public work. Moreover, I am deceiv’d if upon due
 “ consideration it does not fetch your Tribes, with greater equality and
 “ ease to themselves and to the Government, from the Frontiers of *Mar-*
 “ *pesia*, than *Rome* ever brought any one of hers out of her *Pomæria*,
 “ or the nearest parts of her adjoining Territories. To this you may
 “ add, That whereas a Common-wealth, which in regard of the Peo-
 “ ple is not of facility in execution, were sure enough in this Nation to
 “ be cast off thro’ impatience; your Musters and Galaxies are given to
 “ the People, as milk to Babes, whereby when they are brought up
 “ thro’ four days election in a whole year (one at the Parish, one at the
 “ Hundred, and two at the Tribe) to their strongest meat, it is of no
 “ harder digestion, than to give their Negative or Affirmative as they
 “ see cause. There be gallant men among us that laugh at such an
 “ Appeal or Umpire; but I refer it whether you be more inclining to
 “ pardon them or me, who I confess have been this day laughing at a
 “ sober man, but without meaning him any harm, and that is PE-
 “ TRUS CUNÆUS, where speaking of the nature of the People, he
 “ says, that *taking them apart, they are very simple, but yet in their As-*
 “ *semblies they see and know something*: and so runs away without trou-
 “ bling himself with what that something is. Whereas the People,

* Binis Comitibus.

“ taken apart, are but so many private Interests; but if you take them
 “ together, they are the public Interest. The public Interest of a
 “ Common-wealth, as has been shewn, is nearest that of mankind,
 “ and that of mankind is right reason; but with Aristocracy (whose
 “ Reason or Interest, when they are all together, as appear’d by the
 “ *Patricians*, is but that of a Party) it is quite contrary: for as, ta-
 “ ken apart, they are far wiser than the People consider’d in that man-
 “ ner; so being put together, they are such fools, who by deposing
 “ the People, as did those of *Rome*, will saw off the branch where-
 “ upon they sit, or rather destroy the root of their own Greatness.
 “ Wherefore MACHIAVEL following ARISTOTLE, and yet going
 “ before him, may well assert, * *That the People are wiser and more*
 “ *constant in their Resolutions than a Prince*; which is the Prerogative
 “ of popular Government for Wisdom. And hence it is that the Pre-
 “ rogative of your Common-wealth, as for Wisdom, so for Power, is
 “ in the People: which (tho’ I am not ignorant that the *Roman* Pre-
 “ rogative was so call’d à *Prærogando*, because their Suffrage was first
 “ ask’d) gives the denomination to your Prerogative Tribe.

THE Elections, whether Annual or Triennial, being shewn by the
 twenty second, that which comes in the next place to be consider’d is

THE twenty third ORDER, shewing the Power, Function, and
 manner of Proceeding of the Prerogative Tribe.

THE Power or Function of the Prerogative is of two parts, the one of
 Result, in which it is the Legislative Power; the other of Judicature, in which
 regard it is the highest Court, and the last appeal in this Common-wealth.

FOR the former part (the People by this Constitution being not
 oblig’d by any Law that is not of their own making or confirmation, by
 the result of the Prerogative, their equal Representative) it shall not be
 lawful for the Senate to require obedience from the People, nor for the
 People to give obedience to the Senate in or by any Law that has not been
 promulgated, or printed and publish’d for the space of six weeks; and af-
 terwards propos’d by the Authority of the Senate to the Prerogative Tribe,
 and resolved by the major Vote of the same in the Affirmative. Nor shall
 the Senate have any power to levy War, Men, or Money, otherwise than
 by the consent of the People so given, or by a Law so enacted, except
 in cases of Exigence, in which it is agreed, that the Power both of the
 Senate and the People shall be in the Dictator, so qualify’d, and for
 such a term of time, as is according to that Constitution already pre-
 scrib’d. While a Law is in promulgation, the Censors shall animadvert
 upon the Senate, and the Tribunes upon the People, that there be no
 laying of heads together, no Conventicles or canvassing to carry on or
 oppose any thing; but that all may be done in a free and open way.

FOR the latter part of the Power of the Prerogative, or that whereby
 they are the Supreme Judicatory of this Nation, and of the Provinces of
 the same, the cognizance of Crimes against the Majesty of the People, such
 as High Treason, as also of Peculat, that is, robbery of the Treasury, or
 defraudation of the Common-wealth, appertains to this Tribe. And if any
 Person or Persons, Provincials or Citizens, shall appeal to the People, it be-
 longs to the Prerogative to judge and determine the case; provided that if
 the Appeal be from any Court of Justice in this Nation or the Provinces,
 the Appellant shall first deposite a hundred Pounds in the Court from

23. Order.
 The Constitution,
 Functions
 and manner of
 Proceeding of
 the Prerogative.

* Che la multitude è piu savia & piu costante che un Principe.

which

which he appeals, to be forfeited to the same, if he be cast in his Suit by the People. But the Power of the Council of War being the expedition of this Common-wealth, and the martial Law of the *Strategus* in the Field, are those only from which there shall lie no Appeal to the People.

THE Proceeding of the Prerogative in case of a Proposition, is to be thus order'd. The Magistrates, proposing by Authority of the Senate shall rehearse the whole matter, and expound it to the People: which done, they shall put the whole together to the Suffrage, with three Boxes, the Negative, the Affirmative, and the Nonfincere: and the Suffrage being return'd to the Tribunes, and number'd in the presence of the Proposers, if the major Vote be in the Nonfincere, the Proposers shall desist, and the Senate shall resume the Debate. If the major Vote be in the Negative, the Proposers shall desist, and the Senate too. But if the major Vote be in the Affirmative, then the Tribe is clear, and the Proposers shall begin and put the whole matter, with the Negative and the Affirmative (leaving out the Nonfincere) by Clauses; and the Suffrages being taken and number'd by the Tribunes in the presence of the Proposers, shall be written and reported by the Tribunes to the Senate. And that which is propos'd by the Authority of the Senate, and confirm'd by the Command of the People, is the Law of *Oceana*.

THE Proceeding of the Prerogative in a case of Judicature is to be thus order'd. The Tribunes being Auditors of all Causes appertaining to the cognizance of the People, shall have notice of the Suit or Trial, whether of Appeal or otherwise, that is to be commenc'd; and if any one of them shall accept of the same, it appertains to him to introduce it. A Cause being introduc'd, and the People muster'd or assembl'd for the decision of the same, the Tribunes are Presidents of the Court, having power to keep it to Orders, and shall be seated upon a Scaffold erected in the middle of the Tribe. Upon the right hand shall stand a Seat, or large Pulpit assign'd to the Plaintiff, or the Accuser; and, upon the left, another for the Defendant, each if they please with his Council. And the Tribunes (being attended upon such occasions with so many Ballotins, Secretaries, Door-keepers, and Messengers of the Senate as shall be requisite) one of them shall turn up a Glas of the nature of an Hour-glas, but such a one as is to be of an hour and a half's running; which being turn'd up, the Party or Council on the right hand may begin to speak to the People. If there be Papers to be read, or Witnesses to be examin'd, the Officer shall lay the Glas sideways till the Papers be read, and the Witnesses examined, and then turn it up again; and so long as the Glas is running, the Party on the right hand has liberty to speak, and no longer. The Party on the right hand having had his time, the like shall be done in every respect for the Party on the left. And the Cause being thus heard, the Tribunes shall put the question to the Tribe with a white, a black, and a red Box (or Nonfincere) whether Guilty, or not Guilty. And if the Suffrage being taken, the major Vote be in the Nonfincere, the Cause shall be re-heard upon the next juridical day following, and put to the question in the same manner. If the major Vote comes the second time in the Nonfincere, the Cause shall be heard again upon the third day: but at the third hearing the question shall be put without the Nonfincere. Upon the first of the three days in which the major Vote comes in the white Box, the Party accus'd is absolv'd; and upon the first of them in which it comes in the black Box, the Party accus'd is condemn'd. The Party accus'd being condemn'd, the Tribunes (if the case be criminal) shall put with the white and the

the black Box these Questions, or such of them, as, regard had to the case, they shall conceive most proper.

1. *W H E T H E R* he shall have a *Writ of ease*.
2. *W H E T H E R* he shall be fin'd so much, or so much.
3. *W H E T H E R* he shall be confiscated.
4. *W H E T H E R* he shall be render'd incapable of Magistracy.
5. *W H E T H E R* he shall be banish'd.
6. *W H E T H E R* he shall be put to death.

THESE, or any three of these Questions, whether simple or such as shall be thought fitly mix'd, being put by the Tribunes, that which has most above half the Votes in the black Box is the Sentence of the People, which the Troop of the third Classis is to see executed accordingly.

BUT whereas by the Constitution of this Common-wealth it may appear that neither the proposition of the Senate, nor the Judicature of the People, will be so frequent as to hold the Prerogative in continual Employment; the Senate, a main part of whose Office it is to teach and instruct the People, shall duly (if they have no greater Affairs to divert them) cause an Oration to be made to the Prerogative by some Knight or Magistrate of the Senate, to be chosen out of the ablest men, and from time to time appointed by the Orator of the House, in the great Hall of the *Pantheon*, while the Parliament resides in the Town; or in some Grove or sweet place in the field, while the Parliament for the heat of the year shall reside in the Country; upon every Tuesday, morning or afternoon.

AND the Orator appointed for the time to this Office, shall first repeat the Orders of the Common-wealth with all possible brevity; and then making choice of one or some part of it, discourse thereof to the People. An Oration or Discourse of this nature, being afterward persus'd by the Council of State, may as they see cause be printed and publish'd.

THE ARCHON's Comment upon the Order I find to have been of this sense.

My Lords,

“ TO crave pardon for a word or two in farther explanation of
 “ what was read, I shall briefly shew how the Constitution of
 “ this Tribe or Assembly answers to their Function; and how their
 “ Function, which is of two parts, the former in the Result or Legi-
 “ slative Power, the latter in the supreme Judicature of the Common-
 “ wealth, answers to their Constitution. MACHIAVEL has a Dis-
 “ course, where he puts the question, *Whether the guard of Liberty*
 “ *may with more security be committed to the Nobility, or to the People.*
 “ Which doubt of his arises thro' the want of explaining his terms;
 “ for the guard of Liberty can signify nothing else but the Result of the
 “ Common-wealth: so that to say, that the guard of Liberty may be
 “ committed to the Nobility, is to say, that the Result may be com-
 “ mitted to the Senate, in which case the People signify nothing. Now
 “ to shew it was a mistake to affirm it to have been thus in *Lacedemon*,
 “ sufficient has been spoken; and whereas he will have it to be so

“ Venice also, * They, says CONTARINI, in whom resides the Su-
 “ preme Power of the whole Common-wealth, and of the Laws, and upon
 “ whose Orders depends the Authority as well of the Senate as of all the o-
 “ ther Magistrates, is the GREAT COUNCIL. It is institutively
 “ in the Great Council, by the judgment of all that know that Com-
 “ mon-wealth; tho’ for the Reasons shewn, it be sometimes exercis’d
 “ by the Senate. Nor need I run over the Common-wealths in this
 “ place for the proof of a thing so doubtless, and such as has
 “ been already made so apparent, as that the Result of each was in
 “ the popular part of it. The popular part of yours, or the Prero-
 “ gative Tribe, consists of seven Deputies (whereof three are of the
 “ Horse) annually elected out of every Tribe of *Oceana*; which be-
 “ ing fifty, amounts to one hundred and fifty Horse, and two hundred
 “ Foot. And the Prerogative consisting of three of these Lists, con-
 “ sists of four hundred and fifty Horse, and six hundred Foot, besides
 “ those of the Provinces to be hereafter mention’d; by which means
 “ the over-balance in the Suffrage remaining to the Foot by one hun-
 “ dred and fifty Votes, you have to the support of a true and natural
 “ Aristocracy, the deepest root of a Democracy that has been ever
 “ planted. Wherefore there is nothing in Art or Nature better qua-
 “ lify’d for the Result than this Assembly. It is noted out of C I C E R O
 “ by MACHIAVEL, That the People, tho’ they are not so prone
 “ to find out Truth of themselves, as to follow Custom, or run into
 “ Error; yet if they be shewn Truth, they not only acknowledge and
 “ embrace it very suddenly, but are the most constant and faithful
 “ Guardians and Conservators of it. It is your Duty and Office,
 “ whereto you are also qualify’d by the Orders of this Common-wealth,
 “ to have the People as you have your Hawks and Greyhounds, in
 “ Leases and Slips, to range the Fields, and beat the Bushes for them;
 “ for they are of a nature that is never good at this sport, but when
 “ you spring or start their proper quarry. Think not that they will
 “ stand to ask you what it is, or less know it than your Hawks and
 “ Greyhounds do theirs; but presently make such a flight or course,
 “ that a Huntsman may as well undertake to run with his Dogs, or a
 “ Falconer to fly with his Hawk, as an Aristocracy at this game to
 “ compare with the People. The People of *Rome* were possess’d of no
 “ less a prey than the Empire of the World, when the Nobility turn’d
 “ tails, and perch’d among Daws upon the Tower of Monarchy.
 “ For tho’ they did not all of them intend the thing, they would none
 “ of them endure the Remedy, which was the Agrarian.

“ BUT the Prerogative Tribe has not only the Result, but is the
 “ Supreme Judicature, and the ultimate Appeal in this Common-wealth.
 “ For the popular Government that makes account to be of any
 “ standing, must make sure in the first place of the † Appeal to the
 “ People. As an Estate in trust becomes a man’s own, if he be not
 “ answerable for it: so the Power of a Magistracy not accountable to
 “ the People, from whom it was receiv’d, becoming of private use,
 “ the Common-wealth loses her Liberty. Wherefore the Right of Su-

* Quello appresso il quale e la somma autorità di tutta la città, e delle leggi & decreti, de i
 quali pende l’ autorità così del Senato come ancora di tutti i Magistrati, e il Consiglio Grande.

† Ante omnes de provocatione adversus Magistratus ad Populum, sacrandoque cum bonis capite
 ejus, qui regni occupandi consilia iniisset.

" preme Judicature in the People (without which there can be no
 " such thing as popular Government) is confirm'd by the constant
 " practice of all Common-wealths; as that of *Israel* in the cases of
 " ACHAN, and of the Tribe of BENJAMIN, adjudg'd by the Congre-
 " gation. The *Dicafterion* or Court call'd the *Heliaia* in *Athens*,
 " which (the *Comitia* of that Common-wealth consisting of the whole
 " People, and so being too numerous to be a Judicatory) was consti-
 " tuted sometimes of five hundred, at others of one thousand, or, ac-
 " cording to the greatness of the cause, of fifteen hundred, elected by
 " the Lot out of the whole Body of the People, had with the nine
 " ARCHONS that were Presidents, the cognizance of such Causes
 " as were of highest importance in that State. The five Ephors in
 " *Lacedemon* which were popular Magistrates, might question their
 " Kings, as appears by the cases of PAUSANIAS, and of AGIS,
 " who being upon his Trial in this Court, was cry'd to by his Mo-
 " ther to appeal to the People, as PLUTARCH has it in his Life. The
 " Tribunes of the People of *Rome* (like, in the nature of their Magi-
 " stracy, and for some time in number, to the Ephors, as being,
 " according to HALICARNASSEUS and PLUTARCH, instituted in
 " imitation of them) had power * to summon any man, his Magi-
 " stracy at least being expir'd (for from the Dictator there lay no Ap-
 " peal) to answer for himself to the People. As in the case of CORIO-
 " LANUS, who was going about to force the People, by withhold-
 " ing Corn from them in a Famine, to relinquish the Magistracy of
 " the Tribunes; in that of SPURIUS CASSIUS for affecting Tyranny;
 " of MARCUS SERGIUS for running away at *Veii*; of CAIUS LU-
 " CRETIUS for spoiling his Province; of JUNIUS SILANUS for mak-
 " ing War, without a command from the People, against the *Cimbri*;
 " with divers others. And the Crimes of this nature were call'd *Læse*
 " *Majestatis*, or High Treason. Examples of such as were arraign'd
 " or try'd for Peculat, or Defraudation of the Common-wealth, were
 " MARCUS CURIUS, for intercepting the Money of the *Samnites*;
 " SALINATOR, for the unequal division of Spoils to his Soldiers;
 " MARCUS POSTHUMIUS, for cheating the Common-wealth by a
 " feign'd Shipwreck. Causes of these two kinds were of a more
 " public nature; but the like Power upon Appeals was also exercis'd
 " by the People in private matters, even during the time of the
 " Kings; as in the case of HORATIUS. Nor is it otherwise with
 " *Venice*, where the Doge LOREDANO was sentenc'd by the Great
 " Council; and ANTONIO GRIMANI, afterwards Doge, question'd,
 " for that he being Admiral had suffer'd the *Turk* to take *Lepanto* in
 " view of his Fleet.

" NEVERTHELESS, there lay no Appeal from the Ro-
 " man Dictator to the People; which if there had, might have cost
 " the Common-wealth dear, when SPURIUS MELIUS affecting Em-
 " pire, circumvented and debauch'd the Tribunes: whereupon TI-
 " TUS QUINTIUS CINCINNATUS was created Dictator; who hav-
 " ing chosen SERVILIUS AHALA to be his Lieutenant, or *Magi-*
 " *ster Equitum*, sent him to apprehend MELIUS, whom, while he
 " disputed the Commands of the Dictator, and implor'd the aid of
 " the People, AHALA cut off upon the place. By which example

* Diem dicere.

“ you may see in what cases the Dictator may prevent the Blow,
 “ which is ready sometimes to fall e’re the People be aware of the
 “ Danger. Wherefore there lies no Appeal from the *Dieci*, or the
 “ Council of Ten, in *Venice*, to the Great Council, nor from our
 “ Council of War to the People. For the way of proceeding of this
 “ Tribe, or the Ballot, it is, as was once said for all, *Venetian*.

“ THIS Discourse of Judicatories whereupon we are fallen,
 “ brings us rather naturally than of design from the two general Or-
 “ ders of every Common-wealth, that is to say, from the debating
 “ part or the Senate, and the resolving part or the People, to the
 “ third, which is the executive part or the Magistracy, whereupon I
 “ shall have no need to dwell: For the executive Magistrates of this
 “ Common-wealth are the Strategus in Arms; the Signory in their se-
 “ veral Courts, as the Chancery, the Exchequer; as also the Coun-
 “ cils in divers cases within their Instructions; the Censors as well in
 “ their proper Magistracy, as in the Council of Religion; the Tri-
 “ bunes in the Government of the Prerogative, and that Judicatory;
 “ and the Judges with their Courts: Of all which so much is already
 “ said or known as may suffice.

“ THE Tuesday Lectures or Orations to the People will be of
 “ great benefit to the Senate, the Prerogative, and the whole Nation.
 “ To the Senate, because they will not only teach your Senators Elo-
 “ cution, but keep the System of the Government in their memories.
 “ Elocution is of great use to your Senators; for if they do not un-
 “ derstand Rhetoric (giving it at this time for granted, that the Art
 “ were not otherwise good) and come to treat with, or vindicate the
 “ cause of the Common-wealth against some other Nation that is good
 “ at it, the advantage will be subject to remain upon the merit of the
 “ Art, and not upon the merit of the Cause. Furthermore, the Ge-
 “ nius or Soul of this Government being in the whole and in every
 “ part, they will never be of ability in determination upon any par-
 “ ticular, unless at the same time they have an Idea of the whole.
 “ That this therefore must be, in that regard, of equal benefit to the
 “ Prerogative, is plain; tho’ these have a greater concernment in it.
 “ For this Common-wealth is the Estate of the People: and a Man,
 “ you know, tho’ he be virtuous, yet if he does not understand his
 “ Estate, may run out or be cheated of it. Last of all, the Treasures
 “ of the Politics will by this means be so open’d, rifled, and dispers’d,
 “ that this Nation will as soon dote, like the *Indians*, upon glass
 “ Beads, as disturb your Government with Whimsies and Freaks of
 “ Mother-wit; or suffer themselves to be stutter’d out of their Liber-
 “ ties. There is not any reason why your Grandees, your wise men
 “ of this Age, that laugh out and openly at a Common-wealth as the
 “ most ridiculous thing, do not appear to be, as in this regard they
 “ are, mere Idiots, but that the People have not Eyes.

T H E R E remains no more relating to the Senate and the People
 than,

24. Order.
 Constitution of
 the provincial
 part of the Se-
 nate and the
 People.

T H E twenty fourth O R D E R, whereby it is lawful for the Pro-
 vince of *Marpesia* to have 30 Knights of their own election continually
 present in the Senate of *Oceana*, together with 60 Deputies of Horse, and
 120 of Foot in the Prerogative Tribe, indu’d with equal Power (respect
 had

had to their quality and number) in the Debate and result of this Commonwealth: provided that they observe the Course or Rotation of the same by the annual Return of 10 Knights, 20 Deputies of the Horse, and 40 of the Foot. The like in all respects is lawful for *Panopea*; and the Horse of both the Provinces amounting to one Troop, and the Foot to one Company, one Captain and one Cornet of the Horse shall be annually chosen by *Marpesia*, and one Captain and one Ensign of the Foot shall be annually chosen by *Panopea*.

THE Orb of the Prerogative being thus compleat, is not unnaturally compar'd to that of the Moon, either in consideration of the Light borrow'd from the Senate, as from the Sun; or of the ebbs and floods of the People, which are mark'd by the Negative or Affirmative of this Tribe. And the Constitution of the Senate and the People being shewn, you have that of the Parliament of *Oceana*, consisting of the Senate proposing, and of the People resolving; which amounts to an Act of Parliament. So the Parliament is the Heart, which, consisting of two Ventricles, the one greater and replenish'd with a grosser matter, the other less and full of a purer, sucks in, and spouts forth the vital Blood of *Oceana* by a perpetual Circulation. Wherefore the life of this Government is no more unnatural or obnoxious upon this score to dissolution, than that of a Man; nor to giddiness than the World: seeing the Earth, whether it be it self or the Heavens that are in rotation, is so far from being giddy, that it could not subsist without motion. But why should not this Government be much rather capable of duration and steadiness by motion? than which God has ordain'd no other to the universal Commonwealth of Mankind: seeing one Generation comes, and another goes, but the Earth remains firm for ever; that is, in her proper Situation or Place, whether she be mov'd or not mov'd upon her prope Center. The Senate, the People, and the Magistracy, or the Parliament so constituted, as you have seen, is the Guardian of this Commonwealth, and the Husband of such a Wife as is elegantly describ'd by SOLOMON. *She is like the Merchant's Ship; she brings her Food from far. She considers a Field and buys it: With the fruit of her hands she plants a Vineyard. She perceives that her Merchandize is good. She stretches forth her hands to the Poor. She is not afraid of the Snow for her Household; for all her Household are cloath'd with Scarlet. She makes her self Coverings of Tapestry; her Clothing is Silk and Purple. Her Husband is known (by his Robes) in the Gates, when he sits among the Senators of the Land.* The Gates, or inferior Courts, were branches as it were of the Sanhedrim or Senate of *Israel*. Nor is our Commonwealth a worse Houfwife, or has she less regard to her Magistrates; as may appear by

*Constitution of
the Parlia-
ment.*

Prov. 31.

THE twenty fifth ORDER: That, whereas the public Revenue is thro' the late Civil Wars dilapidated, the Excise, being improv'd or improvable to the Revenue of one Million, be apply'd for the space of eleven years to come, to the reparation of the same, and for the present maintenance of the Magistrates, Knights, Deputies, and other Officers, who according to their several Dignities and Functions, shall annually receive towards the Support of the same, as follows.

T t

T H E

THE Lord Strategus Marching, is, upon another account, to have Field Pay as General.

	<i>lib. per ann.</i>
THE Lord Strategus sitting	2000
THE Lord Orator	2000
THE three Commissioners of the Seal	4500
THE three Commissioners of the Treasury	4500
THE two Censors	3000
THE 290 Knights, at 500 l. a man	145000
THE 4 Embassadors in Ordinary	12000
THE Council of War for Intelligence	3000
THE Master of the Ceremonies	500
THE Master of the Horse	500
HIS Substitute	150
THE 12 Ballotins for their Winter Liveries	240
FOR their Summer Liveries	120
FOR their Board-wages	480
FOR the keeping of three Coaches of State, 24 Coach-horses, with Coachmen and Postilions	1500
FOR the Grooms, and keeping of 16 great Horses for the Master of the Horse, and for the Ballotins whom he is to govern and instruct in the Art of Riding	480
THE 20 Secretaries of the Parliament	2000
THE 20 Door-keepers, who are to attend with Pole-axes; for their Coats	200
FOR their Board-wages	1000
THE 20 Messengers, which are Trumpeters, for their Coats	200
FOR their Board-wages	1000
FOR Ornament of the Musters of the Youth	5000
Sum	189370

OUT of the personal Estates of every man, who at his Death bequeaths not above forty shillings to the Muster of that Hundred wherein it lies, shall be levy'd one *per cent.* till the solid Revenue of the Muster of the Hundred amounts to 50 l. *per annum* for the Prizes of the Youth.

THE twelve Ballotins are to be divided into three Regions, according to the course of the Senate; the four of the first Region to be elected at the Tropic out of such Children as the Knights of the same shall offer, not being under eleven years of age, nor above thirteen. And their Election shall be made by the Lot at an Urn set by the Serjeant of the House for that purpose in the Hall of the *Pantheon*. The Livery of the Common-wealth for the fashion or the colour may be chang'd at the Election of the Strategus according to his phanfy. But every Knight during his Session shall be bound to give to his Footman, or some one of his Footmen, the Livery of the Common-wealth.

THE Prerogative Tribe shall receive as follows.

	<i>lib. by the week.</i>
THE 2 Tribunes of the Horse	14
THE 2 Tribunes of the Foot	12
THE 3 Captains of Horse	15
THE	

THE 3 Cornets	9	
THE 3 Captains of Foot	12	
THE 3 Ensigns	7	
THE 442 Horse, at 2l. a man	884	
THE 592 Foot, at 1l. 10s. a man	888	
THE 6 Trumpeters	7	10s.
THE 3 Drummers	2	5s.

SUM by the Week — 1850 15s.

SUM by the Year — 96239

THE Total of the Senate, the People, and the Magistracy, 287459 15s.

THE Dignity of the Common-wealth, and Aids of the several Magistracies and Offices thereto belonging, being provided for as aforesaid, the Overplus of the Excise, with the Product of the Sum rising, shall be carefully manag'd by the Senate and the People thro' the diligence of the Officers of the Exchequer, till it amounts to eight Millions, or to the purchase of about four hundred thousand Pounds solid Revenue. At which time, the term of eleven years being expir'd, the Excise, except it be otherwise order'd by the Senate and the People, shall be totally remitted and abolish'd for ever.

AT this Institution the Taxes, as will better appear in the Corollary, were abated about one half, which made the Order when it came to be tasted, to be of good relish with the People in the very beginning; tho' the Advantages then were no ways comparable to the Consequences to be hereafter shewn. Nevertheless, my Lord EPIMONUS, who with much ado had been held till now, found it midsummer Moon, and broke out of Bedlam in this manner.

My Lord ARCHON,

I HAVE a finging in my head like that of a Cart-wheel, my Brains are upon a Rotation; and some are so merry, that a Man cannot speak his griefs, but if your highshod Prerogative, and those same flouching Fellows your Tribunes, do not take my Lord Strategus's, and my Lord Orator's heads, and jole them together under the Canopy, then let me be ridiculous to all Posterity. For here is a Common-wealth, to which if a Man should take that of the Prentices in their antient Administration of Justice at Shrovetide, it were an Aristocracy. You have set the very Rabble with Troncheons in their hands, and the Gentry of this Nation like Cocks with Scarlet Gills, and the Golden Combs of their Salaries to boot, lest they should not be thrown at.

NOT a Night can I sleep for some horrid Apparition or other; one while these Myrmidons are measuring Silks by their Quarter-staves; another, stuffing their greasy Pouches with my Lord High Treasurers Jacobusses. For they are above a thousand in Arms to three hundred, which, their Gowns being pull'd over their ears, are but in their Doublets and Hose. But what do I speak of a thousand? there be two thousand in every Tribe, that is, a hundred thousand in the whole Nation, not only in the posture of an Army, but

" but in a civil Capacity sufficient to give us what Laws they please.
 " Now every body knows, that the lower sort of People regard no-
 " thing but Money; and you say it is the Duty of a Legislator to pre-
 " sume all Men to be wicked: wherefore they must fall upon the
 " richer, as they are an Army; or, lest their minds should misgive
 " them in such a villany, you have given them encouragement that
 " they have a nearer way, seeing it may be done every whit as well
 " as by the over-balancing Power which they have in Elections. There
 " is a Fair which is annually kept in the Center of these Territories at
 " *Kiberton*, a Town famous for Ale, and frequented by good Fel-
 " lows; where there is a Solemnity of the Pipers and Fiddlers of this
 " Nation (I know not whether *Lacedemon*, where the Senate kept ac-
 " count of the stops of the Flutes and of the Fiddlestrings of that
 " Common-wealth, had any such Custom) call'd the *Bulrunning*;
 " and he that catches and holds the Bull, is the annual and supreme
 " Magistrate of that *Comitia* or Congregation, call'd *King Piper*;
 " without whose Licence it is not lawful for any of those Citizens to
 " enjoy the liberty of his Calling; nor is he otherwise legitimately
 " qualify'd (or *civitate donatus*) to lead Apes or Bears in any Peram-
 " bulation of the same. Mine Host of the Bear, in *Kiberton*, the
 " Father of Ale, and Patron of good Foot-ball and Cudgel-players,
 " has any time since I can remember, been Grand Chancellor of this
 " Order. Now, say I, seeing great things arise from small beginnings,
 " what should hinder the People, prone to their own Advantage, and
 " loving Money, from having Intelligence convey'd to them by this
 " same *King Piper* and his Chancellor, with their Loyal Subjects the
 " Minstrels and Bearwards, Masters of Ceremonies, to which there is
 " great recourse in their respective Perambulations, and which they
 " will commission and instruct, with Directions to all the Tribes,
 " willing and commanding them, that as they wish their own good,
 " they choose no other into the next *primum Mobile*, but of the ablest
 " Cudgel and Foot-ball-players? Which done as soon as said, your
 " *primum Mobile* consisting of no other stuff, must of necessity be
 " drawn forth into your *Nebulones*, and your *Galimofries*; and so the
 " filken Purfes of your Senate and Prerogative being made of Sows
 " ears, most of them Black-smiths, they will strike while the Iron is
 " hot, and beat your Estates into Hobnails; mine Host of the Bear
 " being Strategus, and King Piper Lord Orator. Well, my Lords, it
 " might have been otherwise exprest, but this is well enough a con-
 " science. In your way, the Wit of Man shall not prevent this or the
 " like Inconvenience; but if this (for I have confer'd with Artists)
 " be a mathematical Demonstration, I could kneel to you, that e're
 " it be too late we might return to some kind of Sobriety.
 " IF we empty our Purfes with these Pomps, Salaries, Coaches,
 " Lacquies, and Pages, what can the People say less, than that we
 " have dress'd a Senate and a Prerogative for nothing, but to go to the
 " Park with the Ladies?

MY Lord ARCHON, whose meekness resembl'd that of MOSES,
 vouchsaf'd this Answer.

My

My Lords;

“ F O R all this, I can see my Lord EPIMONUS every night in
 “ the Park, and with Ladies; nor do I blame this in a young
 “ Man, or the Respect which is and ought to be given to a Sex that is
 “ one half of the Common-wealth of Mankind, and without which
 “ the other would be none: But our Magistrates, I doubt, may be some-
 “ what of the oldest to perform this part with much acceptance;
 “ and, as the *Italian* Proverb says, * *Servire & non gradire è cosa da*
 “ *far morire*. Wherefore we will lay no certain Obligation upon them
 “ in this Point, but leave them, if it please you, to their own fate or
 “ discretion. But this (for I know my Lord EPIMONUS loves me,
 “ tho’ I can never get his esteem) I will say, if he had a Mistress
 “ should use him so, he would find it a sad Life; or I appeal to your
 “ Lordships, how I can resent it from such a Friend, that he puts
 “ King Piper’s Politicks in the Balance with mine. King Piper, I deny
 “ not, may teach his Bears to dance, but they have the worst ear of
 “ all Creatures. Now how he should make them keep time in fifty
 “ several Tribes, and that two years together, for else it will be to
 “ no purpose, may be a small matter with my Lord to promise; but
 “ it seems to me of impossible performance. First, Thro’ the nature
 “ of the Bean; and, secondly, thro’ that of the Ballot; or how what
 “ he has hitherto thought so hard, is now come to be easy: but he
 “ may think, that for expedition they will eat up these Balls like Ap-
 “ ples. However, there is so much more in their way by the Consti-
 “ tution of this, than is to be found in that of any other Common-
 “ wealth, that I am reconcil’d; it now appearing plainly, that the
 “ Points of my Lord’s Arrows are directed at no other White, than
 “ to shew the excellency of our Government above others; which, as
 “ he proceeds further, is yet plainer; while he makes it appear, that
 “ there can be no other elected by the People but Smiths,

“ *Brontesque Steropesque & nudus membra Pyracmon:*

“ OTHONIEL, AOD, GIDEON, JEPHTHA, SAMSON, as in *Israel*: MIL-
 “ TIADES, ARISTIDES, THEMISTOCLES, CIMON, PERICLES, as in
 “ *Athens*: PAPHRIUS, CINCINNATUS, CAMILLUS, FABIVS, SCIPIO,
 “ as in *Rome*: Smiths of the fortune of the Common-wealth; not such
 “ as forg’d Hobnails, but Thunder-bolts. Popular Elections are of that
 “ kind, that all the rest of the World is not able, either in number
 “ or glory, to equal those of these three Common-wealths. These
 “ indeed were the ablest Cudgel and Footbal-players; bright Arms
 “ were their Cudgels, and the World was the Ball that lay at their
 “ Feet. Wherefore we are not so to understand the Maxim of Legisla-
 “ tors, which holds *all men to be wicked*, as if it related to Mankind
 “ or a Common-wealth, the Interests whereof are the only strait lines
 “ they have whereby to reform the crooked; but as it relates to every
 “ Man or Party, under what colour soever he or they pretend to be

* To love and not enjoy, is the way to break ones heart.

“ trusted apart, with or by the whole. Hence then it is deriv’d, which is
 “ made good in all experience, that the Aristocracy is ravenous, and
 “ not the People. Your Highwaymen are not such as have Trades,
 “ or have been brought up to Industry; but such commonly whose
 “ Education has pretended to that of Gentlemen. My Lord is so ho-
 “ nest, he does not know the Maxims that are of absolute necessity to
 “ the Arts of Wickedness; for it is most certain, if there be not more
 “ Purfes than Thieves, that the Thieves themselves must be forc’d to
 “ turn honest, because they cannot thrive by their Trade: But now
 “ if the People should turn Thieves, who sees not that there would
 “ be more Thieves than Purfes? Wherefore that a whole People
 “ should turn Robbers or Levellers, is as impossible in the end as in
 “ the means. . But that I do not think your Artist which you men-
 “ tion’d, whether Astronomer or Arithmetician, can tell me how
 “ many Barly-corns would reach to the Sun; I could be content he
 “ were call’d to the account, with which I shall conclude this Point:
 “ when by the way I have chid my Lords the Legislators, who, as
 “ if they doubted my tackling could not hold, would leave me to flag
 “ in a perpetual Calm, but for my Lord EPIMONUS, who breaths
 “ now and then into my Sails, and stirs the Waters. A Ship makes not
 “ her way so briskly, as when she is handsomely brush’d by the Waves,
 “ and tumbles over those that seem to tumble against her; in which
 “ case I have perceiv’d in the dark, that Light has been struck even out
 “ of the Sea, as in this place, where my Lord EPIMONUS feigning
 “ to give us a demonstration of one thing, has given it of another,
 “ and of a better. For the People of this Nation, if they amount
 “ in each Tribe to two thousand Elders, and two thousand Youths,
 “ upon the annual Roll, holding a fifth to the whole Tribe; then the
 “ whole of a Tribe, not accounting Women and Children, must a-
 “ mount to twenty thousand; and so the whole of all the Tribes, be-
 “ ing fifty, to one Million. Now you have ten thousand Parishes,
 “ and reckoning these one with another, each at one thousand pounds
 “ a Year dry Rent, the Rent or Revenue of the Nation, as it is or
 “ might be let to Farm, amounts to ten Millions; and ten Millions
 “ in Revenue divided equally to one Million of Men, comes but to
 “ ten pounds a year to each wherewith to maintain himself, his Wife
 “ and Children. But he that has a Cow upon the common, and
 “ earns his Shilling by the day at his labour, has twice as much already
 “ as this would come to for his share; because if the Land were thus
 “ divided, there would be no body to set him on work. So my Lord
 “ EPIMONUS’s Footman, who costs him thrice as much as one of
 “ these could thus get, would certainly lose by this bargain. What
 “ should we speak of those innumerable Trades whereupon men live,
 “ not only better than others upon good shares of Lands, but become
 “ also purchasers of greater Estates? Is not this the demonstration
 “ which my Lord meant, that the Revenue of Industry in a Nation
 “ at least in this, is three or fourfold greater than that of the mere
 “ Rent? If the People then obstruct Industry, they obstruct their
 “ own livelihood; but if they make a War, they obstruct Industry.
 “ Take the Bread out of the Peoples mouths, as did the *Roman* Patri-
 “ cians, and you are sure enough of a War, in which case they may
 “ be Levellers; but our Agrarian causes their Industry to flow with
 “ Milk and Honey. It will be own’d, that this is true, if the People
 “ were

" were given * to understand their own happiness; But where is it
 " they do that? Let me reply with the like question, Where do they
 " not? They do not know their happiness it should seem in *France*,
 " *Spain* and *Italy*: but teach them what it is, and try whose Sense is
 " the truer. As to the late Wars in *Germany*, it has been affirm'd to
 " me there, that the Princes could never make the People to take
 " Arms while they had Bread, and have therefore suffer'd Countries
 " now and then to be wasted, that they might get Soldiers. This
 " you will find to be the certain pulse and temper of the People; and
 " if they have been already prov'd to be the most wise and constant
 " Order of a Government, why should we think (when no man can
 " produce one Example of the common Soldiery in an Army muti-
 " nying because they had not Captains pay) that the Prerogative
 " should jole the heads of the Senate together, because these have the
 " better Salaries; when it must be as evident to the People in a Na-
 " tion, as to the Soldiery in an Army, that it is no more possible their
 " Emoluments of this kind should be afforded by any Common-
 " wealth in the World to be made equal with those of the Senate,
 " than that the common Soldiers should be equal with the Captains?
 " It is enough for the common Soldier, that his Virtue may bring him
 " to be a Captain, and more to the Prerogative, that each of them is
 " nearer to be a Senator.

" IF my Lord thinks our Salaries too great, and that the Com-
 " mon-wealth is not Housewife enough; whether is it better House-
 " wifery that she should keep her Family from the Snow, or suffer
 " them to burn her House that they may warm themselves? for one
 " of these must be. Do you think that she came off at a cheaper
 " rate, when men had their Rewards by a thousand, two thousand
 " pounds a Year in Land of Inheritance? If you say, that they will
 " be more godly than they have been, it may be ill taken; and if you
 " cannot promise that, it is time we find out some way of stinting at
 " least, if not curing them of that same *sacra Fames*. On the other
 " side, if a poor Man (as such a one may save a City) gives his sweat
 " to the Public, with what conscience can you suffer his Family in
 " the mean time to starve? But he that lays his hand to this Plow,
 " shall not lose by taking it off from his own: and a Common-wealth
 " that will mend this, shall be penny wise. The *Sanhedrim* of *Israel*
 " being the Supreme, and a constant Court of Judicature, could not
 " choose but be exceeding gainful. The Senate of the Bean in *Athens*,
 " because it was but annual, was moderately salariated; but that of
 " the *Areopagits* being for Life, bountifully: and what advantages
 " the Senators of *Lacedemon* had, where there was little Money or
 " use of it, were in Honours for life. The *Patricians* having no pro-
 " fit, took all. *Venice* being a Situation, where a man goes but to
 " the door for his Employment, the Honour is great, and the Reward
 " very little: but in *Holland* a Counsellor of State has fifteen hundred
 " *Flemish* Pounds a Year, besides other Accommodations. The States
 " General have more. And that Common-wealth looks nearer her
 " Penny than ours needs to do.

* O fortunati nimium, bona si sua norint,
 Agricolaë!

" FOR the Revenue of this Nation, besides that of her Industry,
 " it amounts, as has been shewn, to ten Millions; and the Salaries in
 " the whole come not to three hundred thousand Pounds a Year. The
 " Beauty they will add to the Common-wealth will be exceeding great,
 " and the People will delight in this Beauty of their Common-wealth;
 " the Encouragement they will give to the study of the Public being
 " very profitable, the Accommodation they will afford to your Ma-
 " gistrates very honourable and easy. And the Sum, when it or twice
 " as much was spent in Hunting and House-keeping, was never any
 " grievance to the People. I am asham'd to stand huckling upon this
 " Point; it is fordid. Your Magistrates are rather to be provided
 " with further Accommodations. For what if there should be Sick-
 " nefs? whither will you have them to remove? And this City in the
 " founded Times, for the heat of the Year, is no wholesome abode:
 " have a care of their Healths to whom you commit your own. I
 " would have the Senate and the People, except they see cause to the
 " contrary, every first of *June* to remove into the Country Air for
 " the space of three months. You are better fitted with Summer-
 " houses for them, than if you had built them to that purpose. There
 " is some twelve miles distant the *Convallium* upon the River *Halcio-*
 " *nia*, for the Tribunes and the Prerogative, a Palace capable of a
 " thousand Men: and twenty miles distant you have Mount *Celia*,
 " reverend as well for the Antiquity as State of a Castle completely
 " capable of the Senate: the Proposers having Lodgings in the *Conval-*
 " *lium*, and the Tribunes in *Celia*, it holds the Correspondency be-
 " tween the Senate and the People exactly. And it is a small matter
 " for the Proposers, being attended with the Coaches and Officers of
 " State, besides other Conveniencies of their own, to go a matter of
 " five or ten miles (those Seats are not much further distant) to meet
 " the People upon any Heath or Field that shall be appointed:
 " where, having dispatch'd their business, they may hunt their own
 " Venizon (for I would have the great wall'd Park upon the *Halcionia*
 " to belong to the Signory, and those about the *Convallium* to the
 " Tribunes) and so go to supper. Pray, my Lords, see that they
 " do not pull down these Houses to sell the Lead of them; for when
 " you have consider'd on't, they cannot be spar'd. The Founders of
 " the School in *Hiera* provided that the Boys should have a Summer
 " Seat. You should have as much care of these Magistrates. But
 " there is such a selling, such a *Jewish* humour in our Republicans, that
 " I cannot tell what to say to it; only this, any man that knows what
 " belongs to a Common-wealth, or how diligent every Nation in that
 " case has been to preserve her Ornaments, and shall see the waste late-
 " ly made (the Woods adjoining to this City, which serv'd for the
 " delight and health of it, being cut down to be sold for three pence)
 " will tell you, that they who did such things would never have made
 " a Common-wealth. The like may be said of the Ruin or Damage
 " done upon our Cathedrals, Ornaments in which this Nation excels
 " all others. Nor shall this ever be excus'd upon the score of Reli-
 " gion; for tho' it be true, that God dwells not in Houses made with
 " hands, yet you cannot hold your Assemblies but in such Houses, and
 " these are of the best that have been made with hands. Nor is it well
 " argu'd that they are pompous, and therefore profane, or less proper
 " for Divine Service; seeing the Christians in the Primitive Church
 " chose

“ chose to meet with one accord in the Temple ; so far were they from
 “ any inclination to pull it down.

THE Orders of this Common-wealth, so far, or near so far as they concern the Elders, together with the several speeches at the Institution, which may serve for the better understanding of them as so many Commentaries, being shewn ; I should now come from the Elders to the Youth, or from the civil Constitution of this Government to the Military, but that I judge this the fittest place whereinto, by the way, to insert the Government of the City, tho’ for the present but perfunctorily.

THE Metropolis or Capital City of *Oceana* is commonly call’d *Emporium*, tho’ it consists of two Cities distinct, as well in Name as in Government, whereof the other is call’d *Hiera* : For which cause I shall treat of each apart, beginning with *Emporium*. *The Govern-
ment of Empo-
rium.*

EMPORIUM with the Liberties is under a twofold Division, the one regarding the National, and the other the Urban or City Government. It is divided, in regard of the National Government, into three Tribes, and in respect of the Urban into twenty six, which for distinction sake are call’d *Wards*, being contain’d under the three Tribes but inequally : Wherefore the first Tribe containing ten Wards is call’d *Scaxon*, the second containing eight *Metoché*, and the third containing as many, *Telicouta* ; the bearing of which names in mind concerns the better understanding of the Government. *The City Tribes
and Wards.*

EVERY Ward has her Wardmote, Court, or Inquest, consisting of all that are of the Cloathing or Liveries of Companies residing within the same. *Wardmote.*

SUCH are of the Livery or Cloathing as have attain’d to the dignity to wear Gowns and parti-colour’d Hoods or Tippetts, according to the Rules and antient Customs of their respective Companies. *The Liveries.*

A COMPANY is a Brotherhood of Tradesmen professing the same Art, govern’d according to their Charter by a Master and Wardens. Of these there be about sixty, whereof twelve are of greater dignity than the rest, that is to say, the Mercers, Grocers, Drapers, Fishmongers, Goldsmiths, Skinners, Merchant-Tailors, Haberdashers, Salters, Ironmongers, Vintners, Cloath-workers ; which, with most of the rest, have common Halls, divers of them being of antient and magnificent Structure, wherein they have frequent meetings at the Summons of their Masters or Wardens, for the managing and regulation of their respective Trades and Mysteries. These Companies, as I shall shew, are the Roots of the whole Government of the City. For the Liveries that reside in the same Ward, meeting at the Wardmote Inquest (to which it belongs to take cognizance of all sorts of Nufances, and violations of the Customs and Orders of the City, and to present them to the Court of Aldermen) have also power to make election of two sorts of Magistrates or Officers ; the first of Elders or Aldermen of the Ward, the second of Deputies of the same, otherwise call’d *Common Council men*. *The Compa-
nies.*

THE Wards in these elections, because they do not elect all at once, but some one year, and some another, observe the distinction of the three Tribes ; for example, the *Scaxon* consisting of ten Wards, makes election the first Year of ten Aldermen, one in each Ward, and of one hundred and fifty Deputies, fifteen in each Ward : all which are Triennial Magistrates or Officers, that is to say, are to bear their dignity for the space of three years. *Election of Al-
dermen, and of
the Common-
Council men.*

THE second Year, the *Metoché*, consisting of eight Wards, elects eight Aldermen, one in each Ward, and a hundred and twenty Deputies, fifteen in each Ward; being also Triennial Magistrates.

THE third Year *Telicouta*, consisting of a like number of Wards, elects an equal number of like Magistrates for a like term. So that the whole number of the Aldermen, according to that of the Wards, amounts to twenty six; and the whole number of the Deputies, to three hundred and ninety.

The Court of Aldermen.

THE Aldermen thus elected have divers Capacities: for, first, they are Justices of the Peace for the term, and in consequence of their Election. Secondly, They are Presidents of the Wardmote, and Governors each of that Ward whereby he was elected. And last of all, these Magistrates being assembled together, constitute the Senate of the City, otherwise call'd the *Court of Aldermen*: but no man is capable of this Election that is not worth ten thousand Pounds. This Court upon every new Election, makes choice of nine Censors out of their own number.

The Common Council.

THE Deputies in like manner being assembled together, constitute the Prerogative Tribe of the City, otherwise call'd the *Common Council*: by which means the Senate and the People of the City were comprehended, as it were, by the motion of the National Government, into the same Wheel of annual, triennial, and perpetual Revolution.

The Common Hall.

BUT the Liveries, over and above the right of these Elections by their Divisions mention'd, being assembled all together at the *Guild* of the City, constitute another Assembly call'd the *Common-Hall*.

The Election of the Lord Mayor and Sheriffs.

THE Common-Hall has the right of two other Elections; the one of the Lord Mayor, and the other of the two Sheriffs, being annual Magistrates. The Lord Mayor can be elected out of no other than one of the Twelve Companies of the first Ranks; and the Common-Hall agrees by the plurality of Suffrages upon two Names: which being presented to the Lord Mayor for the time being, and the Court of Aldermen, they elect one by their Scrutiny; for so they call it, tho' it differs from that of the Common-wealth. The Orator or Assistant to the Lord Mayor in holding of his Courts, is some able Lawyer elected by the Court of Aldermen, and call'd the Recorder of *Emporium*.

THE Lord Mayor being thus elected, has two Capacities; one regarding the Nation, and the other the City. In that which regards the City, he is President of the Court of Aldermen, having Power to assemble the same, or any other Council of the City, as the Common Council or Common-Hall, at his will and pleasure: and in that which regards the Nation, he is Commander in chief of the three Tribes whereinto the City is divided; one of which he is to bring up in Person at the National muster to the Ballot, as his *Vicecomites*, or High Sheriffs, are to do by the other two, each at their distinct Pavilion, where the nine Aldermen, elected Censors, are to officiate by three in each Tribe, according to the Rules and Orders already given to the Censors of the rustic Tribes. And the Tribes of the City have no other than one common Phylarch, which is the Court of Aldermen and the Common Council; for which cause they elect not at their Muster the first List call'd the *Prime Magnitude*.

Some Conveniences in this Alteration.

THE Conveniences of this Alteration of the City Government, besides the bent of it to a conformity with that of the Nation, were many, whereof I shall mention but a few: As first, whereas men under the former administration,

nistratation, when the burden of some of these Magistracies lay for life, were oftentimes chosen not for their fitness, but rather unfitness, or at least unwillingness to undergo such a weight, whereby they were put at great Rates to fine for their ease; a man might now take his share in Magistracy with that equity which is due to the Public, and without any inconvenience to his private Affairs. Secondly, Whereas the City (inasmuch as the Acts of the Aristocracy, or Court of Aldermen, in their former way of proceeding, were rather Impositions than Propositions) was frequently disquieted with the inevitable consequence of disorder in the power of Debate exercis'd by the popular Part, or Common Council; the right of Debate being henceforth establish'd in the Court of Aldermen, and that of Result in the Common Council, kill'd the branches of Division in the Root. Which for the present may suffice to have been said of the City of *Emporium*.

THAT of *Hiera* consists as to the National Government of two Tribes, the first call'd *Agoræa*, the second *Propola*: But as to the peculiar Policy, of twelve *Manipuls*, or Wards divided into three Cohorts, each Cohort containing four Wards; whereof the Wards of the first Cohort elect for the first Year four Burgeses, one in each Ward; the Wards of the second Cohort for the second year four Burgeses, one in each Ward; and the Wards of the third Cohort for the third Year four Burgeses, one in each Ward; all triennial Magistrates: by which the twelve Burgeses, making one Court for the Government of this City, according to their Instructions by Act of Parliament, fall likewise into an Annual, Triennial, and perpetual Revolution. *The Govern-
ment of Hiera.*

THIS Court being thus constituted, makes election of divers Magistrates; As first of a High Steward, who is commonly some Person of Quality, and this Magistracy is elected in the Senate by the Scrutiny of this Court; with him they choose some able Lawyer to be his Deputy, and to hold the Court; and last of all they elect out of their own Number six Censors. *The High
Steward.*

THE High Steward is Commander in Chief of the two Tribes, whereof he in Person brings up the one at the National Muster to the Ballot, and his Deputy the other at a distinct Pavilion; the six Censors chosen by the Court, officiating by three in each Tribe at the Urns: and these Tribes have no other Phylarch but this Court.

AS for the manner of Elections and Suffrage, both in *Emporium* and *Hiera*, it may be said once for all, that they are perform'd by the Ballot, and according to the respective Rules already given.

THERE be other Cities and Corporations throughout the Territory, whose Policy being much of this kind, would be tedious and not worth the labour to insert, nor dare I stay. *Juvenum manus emicat ardens.*

I RETURN, according to the method of the Common-wealth, to the remaining part of her Orbs, which are Military and Provincial; the Military, except the Strategus, and the Polemarchs or Field Officers, consisting of the Youth only, and the Provincial consisting of a mixture both of the Elders and of the Youth.

TO begin with the Youth, or the military Orbs, they are Circles to which the Common-wealth must have a care to keep close. A Man is a Spirit rais'd by the Magic of Nature; if she does not stand safe, and so that she may set him to some good and useful work, he spits fire, and blows up Castles: for where there is life, there must be motion or work; and the work of idleness is mischief, but the work of industry is health. To set Men to this, the Common-wealth must begin betimes with them, or it will be too late: and the means whereby she sets them

to

to it, is EDUCATION, the plastic art of Government. But it is as frequent as sad in experience (whether thro' negligence, or, which in the consequence is all one or worse, over-fondness in the domestic performance of this Duty) that innumerable Children come to owe their utter Perdition to their own Parents; in each of which the Commonwealth loses a Citizen. Wherefore the Laws of a Government, how wholesome soever in themselves, are such as, if Men by a congruity in their Education be not bred to find a relish in them, they will be sure to loath and detest. The Education therefore of a Man's own Children is not wholly to be committed or trusted to himself. You find in * LIVY the Children of BRUTUS having been bred under Monarchy, and us'd to a Court life, making faces at the Commonwealth of Rome: *A King (say they) is a Man with whom you may prevail when you have need there should be Law, or when you have need there should be no Law; he has Favours in the right, and he frowns not in the wrong place; he knows his Friends from his Enemies. But Laws are deaf inexorable things, such as make no difference between a Gentleman and an ordinary fellow; a Man can never be merry for them, for to trust altogether to his own innocence is a sad life.* Unhappy wantons! SCIPIO on the other side, when he was but a Boy (about two or three and twenty) being inform'd that certain Patricians or Roman Gentlemen, thro' a qualm upon the defeat which HANNIBAL had given them at Cannæ, were laying their heads together and contriving their Flight with the transportation of their Goods out of Rome, drew his Sword, and setting himself at the door of the Chamber where they were at Council, protested, *That who did not immediately swear not to desert the Commonwealth, he would make his Soul to desert his Body.* Let Men argue as they please for Monarchy, or against a Commonwealth, the World shall never see any Man so sottish or wicked as in cool blood to prefer the Education of the Sons of BRUTUS before that of SCIPIO; and of this mould, except a MELIUS or a MANLIUS, was the whole youth of that Commonwealth, tho' not ordinarily so well cast. Now the health of a Government, and the education of the Youth being of the same pulse, no wonder if it has been the constant practice of well order'd Commonwealths to commit the care and feeling of it to public Magistrates. A duty that was perform'd in such a manner by the Areopagites, as is elegantly prais'd by ISOCRATES. *The Athenians, says he, write not their Laws upon dead Walls, nor content themselves with having ordain'd Punishments for Crimes, but provide in such a way by the Education of their Youth, that there be no Crimes for Punishment.* He speaks of those Laws which regarded Manners, not of those Orders which concern'd the Administration of the Commonwealth, lest you should think he contradicts XENOPHON and POLYBIUS. The Children of Lacedemon, at the seventh year of their age were deliver'd to the *Pædonomi*, or School-masters, not mercenary, but Magistrates of the Commonwealth, to which they were accountable for their charge: and by these at the age of fourteen they were presented to other Magistrates call'd the *Beidiæi*, having the in-

* *Aflueti more regio vivere — inter se conquerebantur — Regem hominem esse à quo impetres ubi jus, ubi injuria opus sit; esse gratiæ locum, esse beneficio; & irasci & ignoscere posse; inter amicum & inimicum discrimen nosse. Leges rem furdam, inexorabilem esse; salubriorem, melioremque inopi quam potenti; nihil laxamenti nec veniæ habere, si modum excesseris; periculosum esse in tot humanis erroribus sola innocentia vivere.* Liv. l. 2.

spection of the Games and Exercises, among which that of the *Platanista* was famous, a kind of Fight in Squadrons, but somewhat too fierce. When they came to be of military age, they were listed of the *Mora*, and so continu'd in readiness for public Service under the Discipline of the *Polemarchs*. But the *Roman* Education and Discipline by the Centuries and Classes is that to which the Common-wealth of *Oceana* has had a more particular regard in her three Essays, being certain degrees by which the Youth commence as it were in Arms for Magistracy, as appears by

THE twenty sixth ORDER, instituting, That if a Parent has but one Son, the Education of that one Son shall be wholly at the disposition of that Parent. But whereas there be Free Schools erected and indow'd, or to be erected and indow'd in every Tribe of this Nation, to a sufficient proportion for the Education of the Children of the same (which Schools, to the end there be no detriment or hindrance to the Scholars upon case of removing from one to another, are every of them to be govern'd by the strict inspection of the Censors of the Tribes, both upon the School-Masters manner of Life and Teaching, and the proficiency of the Children, after the rules and method of that in *Hiera*) if a Parent has more Sons than one, the Censors of the Tribes shall animadvert upon and punish him that sends not his Sons within the ninth year of their age to some one of the Schools of a Tribe, there to be kept and taught if he be able at his own charges; and if he be not able, *gratis*, till they arrive at the age of fifteen years. And a Parent may dispose of his Sons at the fifteenth year of their age according to his choice or ability, whether it be to Service in the way of Apprentices to some Trade or otherwise, or to further study, as by sending them to the Inns of Court, of Chancery, or to one of the Universities of this Nation. But he that takes not upon him one of the Professions proper to some of those places, shall not continue longer in any of them than till he has attain'd to the age of eighteen years; and every Man having not at the age of eighteen years taken upon him, or addicted himself to the profession of the Law, Theology, or Physic, and being no Servant, shall be capable of the Essays of the youth, and no other person whatsoever: except a Man, having taken upon him such a profession, happens to lay it by, ere he arrives at three or four and twenty years of age, and be admitted to this Capacity by the respective *Phylarch*, being satisfy'd that he kept not out so long with any design to evade the Service of the Common-wealth; but, that being no sooner at his own disposal, it was no sooner in his choice to come in. And if any Youth or other Person of this Nation have a desire to travel into foreign Countries upon occasion of business, delight, or further improvement of his Education; the same shall be lawful for him upon a Pass obtain'd from the Censors in Parliament, putting a convenient limit to the time, and recommending him to the Embassadors by whom he shall be assisted, and to whom he shall yield Honour and Obedience in their respective Residences. Every Youth at his return from his Travel is to present the Censors with a Paper of his own writing, containing the Interest of State or Form of Government of the Countries, or some one of the Countries where he has been; and if it be good, the Censors shall cause it to be printed and publish'd, prefixing a Line in commendation of the Author.

EVERY Wednesday next ensuing the last of *December*, the whole Youth of every Parish, that is to say every Man (not excepted by the foregoing

foregoing part of the Order) being from eighteen years of age to thirty, shall repair at the sound of the Bell to their respective Church, and being there assembl'd in presence of the Overseers, who are to govern the Ballot, and the Constable who is to officiate at the Urn, shall, after the manner of the Elders, elect every fifth Man of their whole number (provided that they choose not above one of two Brothers at one Election, nor above half if they be four or upward) to be a *Stratrot* or Deputy of the Youth; and the List of the *Stratiots* so elected being taken by the Overseers, shall be enter'd in the Parish Book, and diligently preserv'd as a Record, call'd the first Essay. They whose Estates by the Law are able, or whose Friends are willing to mount them, shall be of the Horse, the rest are of the Foot. And he who has been one year of this List, is not capable of being re-elected till after another year's interval.

EVERY Wednesday next ensuing the last of *January*, the *Stratiots* being muster'd at the Rendezvous of their respective Hundred, shall in the presence of the Jurymen, who are Overseers of that Ballot, and of the high Constable who is to officiate at the Urn, elect out of the Horse of their Troop or Company one Captain, and one Ensign or Cornet, to the command of the same. And the Jurymen having enter'd the List of the Hundred into a Record to be diligently kept at the Rendezvous of the same; the first public game of this Common-wealth shall begin and be perform'd in this manner. Whereas there is to be at every Rendezvous of a Hundred one Cannon, Culverin, or Saker; the prize Arms being forg'd by sworn Armorers of this Common-wealth, and for their proof, besides their Beauty, view'd and try'd at the Tower of *Emporium*, shall be expos'd by the Justice of Peace appertaining to that Hundred (the said Justice with the Jurymen being Judges of the Game) and the Judges shall deliver to the Horse-man that gains the Prize at the Career, one sute of Arms being of the value of twenty Pounds; to the Pike-man that gains the Prize at throwing the Bullet, one sute of Arms of the value of ten Pounds; to the Musketeer that gains the Prize at the mark with his Musket, one sute of Arms of the value of ten Pounds; and to the Cannoneer that gains the Prize at the mark with the Cannon, Culverine, or Saker, a Chain of Silver being the value of ten Pounds; provided, that no one man at the same Muster plays above one of the Prizes. Who-soever gains a Prize is bound to wear it (if it be his lot) upon Service; and no man shall sell or give away any Armour thus won, except he has lawfully attain'd to two or more of them at the Games.

THE Games being ended, and the Muster dismiss'd, the Captain of the Troop or Company shall repair with a Copy of the List to the Lord Lieutenant of the Tribe, and the high Constable with a Duplicate of the same to the *Custos Rotulorum*, or Muster-master General, to be also communicated to the Censors; in each of which the Jurymen giving a note upon every name of an only Son, shall certify that the List is without subterfuge or evasion: or, if it be not, an account of those upon whom the Evasion or Subterfuge lies, to the end that the *Phylarch* or the Censors may animadvert accordingly.

AND every Wednesday next ensuing the last of *February*, the Lord Lieutenant, *Custos Rotulorum*, the Censors, and the Conductor, shall receive the whole Muster of the Youth of that Tribe at the Rendezvous of the same, distributing the Horse and Foot with their Officers, according to the Directions given in the like case for the distribution of the Elders; and the whole Squadron being put by that means in Battalia, the second Game of this Common-wealth shall begin by the exercise of the Youth in all the

parts

parts of their military Discipline according to the Orders of Parliament, or direction of the Council of War in that case. And the hundred Pounds allow'd by the Parliament for the Ornament of the Muster in every Tribe, shall be expended by the Phylarch upon such artificial Castles, Citadels, or the like Devices, as may make the best and most profitable sport for the Youth and their Spectators. Which being ended, the Censors having prepar'd the Urns by putting into the Horse Urn 220 Gold Balls, whereof ten are to be mark'd with the letter *M*, and the other ten with the letter *P*; into the Foot Urn 700 Gold Balls, whereof 50 are to be mark'd with the letter *M*, and 50 with the letter *P*: and after they have made the Gold Balls in each Urn, by the addition of Silver Balls to the same, in number equal with the Horse and Foot of the *Stratiots*, the Lord Lieutenant shall call the *Stratiots* to the Urns, where they that draw the Silver Balls shall return to their places, and they that draw the Gold Balls shall fall off to the Pavilion, where, for the space of one hour, they may chop and change their Balls according as one can agree with another, whose Lot he likes better. But the hour being out, the Conductor separating them whose Gold Balls have no letter, from those whose Balls are mark'd, shall cause the Cryer to call the Alphabet, as first *A*; whereupon all they whose Gold Balls are not mark'd, and whose surnames begin with the letter *A*, shall repair to a Clerk appertaining to the *Custos Rotulorum*, who shall first take the names of that letter; then those of *B*, and so on, till all the names be alphabetically inrol'd. And the Youth of this List being six hundred Foot in a Tribe, that is, 30000 Foot in all the Tribes; and two hundred Horse in a Tribe, that is, 10000 Horse in all the Tribes, are the second Essay of the *Stratiots*, and the standing Army of this Common-wealth to be always ready upon command to march. They whose Balls are mark'd with *M*, amounting, by 20 Horse and 50 Foot in a Tribe, to 2500 Foot, and 500 Horse in all the Tribes; and they whose Balls are mark'd with *P*, in every point correspondent, are parts of the third Essay: they of *M* being straight to march for *Marpesia*, and they of *P* for *Panopea*, to the ends, and according to the further directions following in the Order for the provincial Orbs.

IF the Polemarchs or Field Officers be elected by the scrutiny of the Council of War, and the Strategus commanded by the Parliament or the Dictator to march, the Lords Lieutenants (who have power to muster and discipline the Youth so often as they receive Orders for the same from the Council of War) are to deliver the second Essay, or so many of them as shall be commanded, to the Conductors, who shall present them to the Lord Strategus at the time and place appointed by his Excellency to be the general Rendezvous of *Oceana*, where the Council of War shall have the accommodation of Horses and Arms for his men in readiness: and the Lord Strategus having arm'd, mounted, and distributed them, whether according to the recommendation of their Prize Arms, or otherwise, shall lead them away to his Shipping, being also ready and provided with Victuals, Ammunition, Artillery, and all other necessaries; commanding them, and disposing of the whole Conduct of the War by his sole Power and Authority. And this is the third Essay of the *Stratiots*, which being ship'd, or march'd out of their Tribes, the Lord Lieutenants shall re-elect the second Essay out of the remaining part of the first; and the Senate another Strategus.

IF any Veteran or Veterans of this Nation, the term of whose Youth or Militia is expir'd, having a desire to be entertain'd in the further service of the Common-wealth, shall present him or themselves at the Rendezvous of *Oceana* to the Strategus, it is in his power to take

on

on such and so many of them as shall be agreed by the Polemarchs, and to send back an equal number of the Stratiots.

A N D for the better managing of the proper Forces of this Nation, the Lord Strategus, by appointment of the Council of War, and out of such Levies as they shall have made in either or both of the Provinces to that end, shall receive Auxiliaries by Sea or elsewhere at some certain place, not exceeding his proper Arms in number.

A N D whosoever shall refuse any one of his three Essays, except upon cause shewn he be dispens'd withal by the Phylarch; or, if the Phylarch be not assembled, by the Censors of his Tribe, shall be deem'd a *Helot* or public Servant, shall pay a fifth part of his yearly Revenue, besides all other Taxes, to the Common-wealth for his Protection, and be incapable of bearing any Magistracy except such as is proper to the Law. Nevertheless if a man has but two Sons, the Lord Lieutenant shall not suffer above one of them to come to the Urn at one Election of the second Essay: and tho' he has above two Sons, there shall not come above half the Brothers at one Election: and if a man has but one Son, he shall not come to the Urn at all without the consent of his Parents, or his Guardians; nor shall it be any reproach to him, or impediment to his bearing of Magistracy.

THIS Order, with relation to foreign Expeditions, will be prov'd and explain'd together with.

27. Order.

THE twenty seventh ORDER, providing, in case of Invasion apprehended, that the Lords High Sheriffs of the Tribes upon Commands receiv'd from the Parliament, or the Dictator, distribute the Bands of the Elders into divisions after the nature of the Essays of the Youth; and that the second Division or Essay of the Elders, being made and consisting of 30000 Foot, and 10000 Horse, be ready to march with the second Essay of the Youth, and be brought also by the Conductors to the Strategus.

THE second Essay of the Elders and Youth being march'd out of their Tribes, the Lords High Sheriffs and Lieutenants shall have the remaining part of the annual Bands both of Elders and Youth in readiness, which, if the Beacons be fir'd, shall march to the Rendevouz to be in that case appointed by the Parliament, or the Dictator. And the Beacons being fir'd, the *Curiata Comitia*, or Parochial Congregations, shall elect a fourth both of Elders and Youth to be immediately upon the Guard of the Tribes, and dividing themselves as aforesaid, to march also in their Divisions according to Orders: which method in case of extremity shall proceed to the election of a third, or the levy of a second, or of the last man in the Nation, by the Power of the Lords High Sheriffs; to the end that the Common-wealth in her utmost pressure may shew her trust that God in his Justice will remember Mercy, by humbling her self, and yet preserving her Courage, Discipline and Constancy, even to the last drop of her blood, and the utmost farthing.

THE Services perform'd by the Youth, or by the Elders, in case of Invasion, and according to this Order, shall be at their proper cost and charges that are any ways able to endure it; but if there be such as are known in their Parishes to be so indigent that they cannot march out of their Tribes, nor undergo the burden in this case incumbent, then the Congregations of their Parishes shall furnish them with sufficient sums of Money to be repaid upon the Certificate of the same by the Parliament when the Action shall be over. And of that which is respectively enjoin'd by this Order, any Tribe, Parish, Magistrate, or Person that shall fail, is to answer for it at the Council of War, as a Defter of his Country.

THE

THE ARCHON, being the greatest Captain of his own, if not of any age, added much to the Glory of this Common-wealth, by interwaving the Militia with more Art and Luster than any Legislator from or before the time of SERVIVS TULLIVS, who constituted the Roman Militia. But as the Bones or Skeleton of a man, tho' the greatest part of his Beauty be contain'd in their Proportion or Symmetry, yet shewn without Flesh, are a spectacle that is rather horrid than entertaining; so without Discourses are the Orders of a Common-wealth: which, if she goes forth in that manner, may complain of her Friends that they stand mute, and staring upon her. Wherefore this Order was thus flesh'd by the Lord ARCHON.

My Lords;

" **D**IOGENES seeing a young Fellow drunk, told him that his Father was drunk when he begot him. For this in natural Generation I must confess I see no reason; but in the Political it is right. The Vices of the People are from their Governors; those of their Governors from their Laws or Orders; and those of their Laws or Orders from their Legislators. * Whatever was in the Womb imperfect, as to her proper work, comes very rarely, or never at all to perfection afterwards: and the formation of a Citizen in the Womb of the Common-wealth is his Education.

" EDUCATION by the first of the foregoing Orders is of six kinds; At the School, in the Mechanics, at the Universities, at the Inns of Court or Chancery, in Travels, and in military Discipline: some of which I shall but touch, and some I shall handle more at large.

" THAT which is propos'd for the erecting and endowing of Schools throughout the Tribes, capable of all the Children of the same, and able to give to the Poor the Education of theirs *gratis*, is only matter of direction in case of very great Charity, as easing the needy of the charge of their Children from the ninth to the fifteenth year of their age, during which time their work cannot be profitable; and restoring them when they may be of use, furnish'd with tools whereof there are advantages to be made in every work, seeing he that can read and use his Pen has some convenience by it in the meanest Vocation. And it cannot be conceiv'd, but that which comes, tho' in small parcels, to the advantage of every man in his Vocation, must amount to the advantage of every Vocation, and so to that of the whole Common-wealth. Wherefore this is commended to the Charity of every wise-hearted and wel-minded man, to be done in time, and as God shall stir him up or enable him; there being such provision already in the case, as may give us leave to proceed without obstruction.

" PARENTS, under animadversion of the Censors, are to dispose of their Children at the fifteenth year of their age to something; but what, is left, according to their abilities or inclination, at their own choice. This, with the multitude, must be to the Mechanics, that is to say, to Agriculture or Husbandry; to Manufactures, or to Merchandize.

* Ut male posuimus initia, sic cætera sequuntur. Cic.

Husbandry.

“ AGRICULTURE is the Bread of the Nation; we are hung
 “ upon it by the teeth; it is a mighty Nursery of Strength, the best
 “ Army, and the most assur’d Knapfack; it is manag’d with the least
 “ turbulent or ambitious, and the most innocent hands of all other
 “ Arts. Wherefore I am of ARISTOTLE’s opinion, that a Com-
 “ mon-wealth of Husbandmen, and such is ours, must be the best of
 “ all others. Certainly, my Lords, you have no measure of what
 “ ought to be, but what can be done for the encouragement of this
 “ Profession. I could wish I were Husband good enough to direct
 “ something to this end; but racking of Rents is a vile thing in the
 “ richer sort, an uncharitable one to the poorer, a perfect mark of
 “ Slavery, and nips your Common-wealth in the fairest Blossom. On
 “ the other side, if there should be too much ease given in this kind,
 “ it would occasion Sloth, and so destroy Industry, the principal
 “ nerve of a Common-wealth. But if ought might be done to hold
 “ the Balance even between these two, it would be a work in this Na-
 “ tion equal to that for which FABIVS was firnam’d MAXIMVS by
 “ the Romans.

Manufactures
and Merchan-
dize.

“ IN Manufactures and Merchandize the *Hollander* has gotten the
 “ start of us; but at the long run it would be found, that a People work-
 “ ing upon a foreign Commodity does but farm the Manufacture, and
 “ that it is really intail’d upon them only, where the growth of it is
 “ native: as also that it is one thing to have the carriage of other men’s
 “ Goods, and another for a man to bring his own to the best market.
 “ Wherefore (Nature having provided encouragement for these Arts in
 “ this Nation above all others, where, the People growing, they of
 “ necessity must also increase) it cannot but establish them upon a far
 “ more sure and effectual Foundation than that of the *Hollanders*. But
 “ these Educations are in order to the first things, or necessities of Na-
 “ ture; as Husbandry to the Food, Manufacture to the Cloathing, and
 “ Merchandize to the Purse of the Commonwealth.

“ THERE be other things in Nature, which being second as to
 “ their Order, for their dignity and Value are first, and such to which
 “ the other are but Accommodations; of this sort are especially these,
 “ Religion, Justice, Courage, and Wisdom.

Universities.

“ THE Education that answers to Religion in our Government is
 “ that of the Universities. MOSES the Divine Legislator was not
 “ only skilful in all the Learning of the *Egyptians*, but took also into
 “ the Fabric of his Common-wealth the Learning of the *Midianites* in
 “ the advice of JETHRO: and his Foundation of a University laid
 “ in the Tabernacle, and finish’d in the Temple, became that Pinnacle
 “ from whence (according to many *Jewish* and *Christian* Authors)
 “ all the Learning in the world has taken wing; as the Philosophy of
 “ the *Stoicks* from the *Pharisees*; that of the *Epicureans* from the *Sad-*
 “ *duces*; and from the Learning of the *Jews* so often quoted by our
 “ SAVIOUR, and fulfil’d in Him, the *Christian* Religion. *Athens*
 “ was the most famous University in her days; and her Senators, that
 “ is to say, the *Areopagits*, were all Philosophers. *Lacedemon*, to
 “ speak truth, tho’ she could write and read, was not very bookish.
 “ But he that disputes hence against Universities, disputes by the same
 “ Argument against Agriculture, Manufacture, and Merchandize;
 “ every one of these having been equally forbid by LYCURGVS, not
 “ for it self (for if he had not been learn’d in all the Learning of *Crete*,

Acts 17. 18.

“ and

“ and well travel’d in the knowledge of other Governments, he had
 “ never made his Common-wealth) but for the diversion which they
 “ must have given his Citizens from their Arms, who, being but few,
 “ if they had minded any thing else, must have deserted the Com-
 “ mon-wealth. For *Rome*, she had *ingenium par imperio*, was as learn-
 “ ed as great, and held her College of *Augurs* in much reverence. *Ve-*
 “ *nice* has taken her Religion upon trust. *Holland* cannot attend it to
 “ be very studious. Nor does *Switzerland* mind it much; yet are they
 “ all addicted to their Universities. We cut down Trees to build
 “ Houses; but I would have some body shew me, by what reason or
 “ experience the cutting down of a University should tend to the set-
 “ ting up of a Common-wealth. Of this I am sure, that the perfec-
 “ tion of a Common-wealth is not to be attain’d without the know-
 “ ledge of antient Prudence; nor the knowledge of antient Prudence
 “ without Learning; nor Learning without Schools of good Litera-
 “ ture: and these are such as we call Universities. Now tho’ mere
 “ University learning of it self be that which (to speak the words of
 “ VERULAMIUS) *crafty men contemn, and simple men only admire, yet*
 “ *is it such as wise men have use of; for Studies do not teach their own*
 “ *use, but that is a Wisdom without and above them, won by observa-*
 “ *tion. Expert men may execute, and perhaps judge of Particulars one*
 “ *by one; but the general Councils and the Plots, and the marshalling of*
 “ *Affairs, come best from those that are learned.* Wherefore if you
 “ would have your Children to be Statesmen, let them drink by all
 “ means of these Fountains, where perhaps there never were any.
 “ But what tho’ the Water a Man drinks be not nourishment; it is
 “ the Vehicle without which he cannot be nourish’d. Nor is Religion
 “ less concern’d in this point than Government; for take away your
 “ Universities, and in a few years you lose it.

“ THE Holy Scriptures are written in *Hebrew* and *Greek*: they
 “ that have neither of these Languages may think light of both; but
 “ find me a man that has one in perfection, the study of whose whole
 “ Life it has not been. Again, this is apparent to us in daily Conver-
 “ sation, that if four or five Persons that have liv’d together be talk-
 “ ing, another speaking the same Language may come in, and yet un-
 “ derstand very little of their Discourse, in that it relates to Circum-
 “ stances, Persons, Things, Times and Places, which he knows not.
 “ It is no otherwise with a man, having no insight of the times in
 “ which they were written, and the Circumstances to which they re-
 “ late, in the reading of antient Books, whether they be divine or hu-
 “ man. For example, when we fall upon the Discourse about Bap-
 “ tism and Regeneration that was between our SAVIOUR and NICO-
 “ DEMUS, where CHRIST reproaches him with his ignorance in this
 “ matter: *Art thou a Doctor in Israel, and understandest not these*
 “ *things?* What shall we think of it? or wherefore should a Doctor in
 “ *Israel* have understood these things more than another, but that both
 “ Baptism and Regeneration, as was shew’d at large by my Lord
 “ PHOSPHORUS, were Doctrines held in *Israel*? I instance in one place
 “ of a hundred, which he, that has not master’d the Circumstances to
 “ which they relate, cannot understand. Wherefore to the understand-
 “ ing of the Scripture, it is necessary to have antient Languages, and
 “ the knowledge of antient times, or the aid of them who have such
 “ knowledge: and to have such as may be always able and ready to
 “ give

“ give such aid (unless you would borrow it of another Nation,
 “ which would not only be base, but deceitful) it is necessary to a
 “ Common-wealth that she have Schools of good Literature, or Uni-
 “ versities of her own. We are commanded, as has been said more
 “ than once, to search the Scriptures; and which of 'em search the
 “ Scriptures, they that take this pains in antient Languages and Learn-
 “ ing, or they that will not, but trust to Translations only, and to
 “ words as they sound to present Circumstances? than which nothing
 “ is more fallible, or certain to lose the true sense of Scriptures, pre-
 “ tended to be above human Understanding, for no other cause than
 “ that they are below it. But in searching the Scriptures by the pro-
 “ per use of our Universities, we have been heretofore blest with
 “ greater Victories and Trophies against the purple Hosts and golden
 “ Standards of the *Romish* Hierarchy, than any Nation; and there-
 “ fore, why we should relinquish this upon the presumption of some,
 “ that because there is a greater Light which they have, I do not know.
 “ There is a greater Light than the Sun, but it does not extinguish the
 “ Sun, nor does any Light of God's giving extinguish that of Nature,
 “ but encrease and sanctify it. Wherefore, neither the Honour born by
 “ the *Israelitish*, *Roman*, or any other Common-wealth that I have
 “ shewn, to their Ecclesiastics, consisted in being govern'd by them,
 “ but in consulting them in matters of Religion; upon whose Respon-
 “ ses or Oracles they did afterwards as they thought fit. Nor would
 “ I be here mistaken, as if, by affirming the Universities to be, in or-
 “ der both to Religion and Government, of absolute necessity, I de-
 “ clar'd them or the Ministry in any wise fit to be trusted, so far as to
 “ exercise any power not deriv'd from the Civil Magistrate in the ad-
 “ ministration of either. If the *Jewish* Religion were directed
 “ and establish'd by MOSES, it was directed and establish'd by the
 “ Civil Magistrate; or if MOSES exercis'd this Administration as a
 “ Prophet, the same Prophet did invest with the same Administration
 “ the *Sanhedrim*, and not the Priests; and so does our Common-
 “ wealth the Senate, and not the Clergy. They who had the su-
 “ preme Administration or Government of the National Religion in
 “ *Athens*, were the first ARCHON, the *Rex Sacrificus*, or High Priest,
 “ and a *Polemarch*; which Magistrates were ordain'd or elected * by
 “ the holding up of hands in the Church, Congregation, or *Comitia*
 “ of the People. The Religion of *Lacedemon* was govern'd by the
 “ Kings, who were also High Priests, and officiated at the Sacrifice;
 “ these had power to substitute their *Pythii*, Embassadors, or Nun-
 “ cios, by which, not without concurrence of the Senate, they held
 “ intelligence with the Oracle of APOLLO at *Delphos*. And the Ec-
 “ clesiastical part of the Common-wealth of *Rome* was govern'd by
 “ the *Pontifex Maximus*, the *Rex Sacrificulus*, and the *Flamins*, all or-
 “ dain'd or elected by the People, the *Pontifex* by the † Tribes, the
 “ King by the ‡ Centuries, and the *Flamins* by the || Parishes. I do
 “ not mind you of these things, as if, for the matter, there were any
 “ parallel to be drawn out of their Superstitions to our Religion; but
 “ to shew that for the manner, antient Prudence is as well a rule in di-
 “ vine as human things; nay, and such a one as the Apostles them-
 “ selves, ordaining Elders by the holding up of hands in every Con-

* Per *aggregationem*. † *Tributis*. ‡ *Centuriatis*. || *Curiatis Comitibus*.

“ gregation,

" gregation, have exactly follow'd: for some of the Congregations
 " where they thus ordain'd Elders were those of *Antioch, Iconium,*
 " *Lystra, Derbe,* the Countries of *Lycaonia, Pisidia, Pamphylia, Perga,*
 " with *Attalia.* Now that these Cities and Countries, when the Ro-
 " mans propagated their Empire into *Asia,* were found most of them
 " Common-wealths, and that many of the rest were indu'd with like
 " power, so that the People living under the protection of the *Roman*
 " Emperors, continu'd to elect their own Magistrates, is so known a
 " thing, that I wonder whence it is that men, quite contrary to the
 " universal proof of these examples, will have Ecclesiastical Govern-
 " ment to be necessarily distinct from Civil Power, when the Right
 " of the Elders ordain'd by the holding up of hands in every Congre-
 " gation to teach the People, was plainly deriv'd from the same Civil
 " Power by which they ordain'd the rest of their Magistrates. And it
 " is not otherwise in our Common-wealth, where the Parochial Con-
 " gregation elects or ordains its Pastor. To object the Common-
 " wealth of *Venice* in this place, were to shew us that it has been no
 " otherwise but where the civil Power has lost the liberty of her
 " Conscience by imbracing Popery; as also that to take away the
 " Liberty of Conscience in this Administration from the civil Power,
 " were a proceeding which has no other precedent than such as is Po-
 " pish. Wherefore your Religion is settled after the following man-
 " ner: the Universities are the Seminaries of that part which is natio-
 " nal, by which means others with all safety may be permitted to follow
 " the Liberty of their own Consciences, in regard that, however
 " they behave themselves, the ignorance of the unlearn'd in this case
 " cannot lose your Religion nor disturb your Government, which o-
 " therwise it would most certainly do; and the Universities with their
 " Emoluments, as also the Benefices of the whole Nation, are to be
 " improv'd by such Augmentations as may make a very decent and
 " comfortable subsistence for the Ministry, which is neither to be al-
 " low'd Synods nor Assemblies, except upon the occasion shewn in
 " the Universities, when they are consulted by the Council of State,
 " and suffer'd to meddle with Affairs of Religion, nor to be capable
 " of any other public Preferment whatsoever; by which means the
 " Interest of the Learned can never come to corrupt your Religion, nor
 " disturb your Government, which otherwise it would most certainly
 " do. *Venice,* tho' she does not see, or cannot help the corruption of
 " her Religion, is yet so circumspect to avoid disturbance of her Go-
 " vernment in this kind, that her Council proceeds not to election of
 " Magistrates, till it be proclaim'd, *Fora Papolini,* by which words
 " such as have consanguinity with red Hats, or relation to the Court
 " of *Rome,* are warn'd to withdraw. If a Minister in *Holland* meddles
 " with matter of State, the Magistrate sends him *a pair of Shoes;*
 " whereupon, if he does not go, he is driven away from his charge.
 " I wonder why Ministers, of all men, should be perpetually tamper-
 " ing with Government; first because they, as well as others, have it
 " in express charge to submit themselves to the Ordinances of men;
 " and secondly, because these Ordinances of men must go upon such
 " political Principles, as they of all others, by any thing that can be
 " found in their Writings or Actions, least understand: whence you
 " have the suffrage of all Nations to this sense, that an ounce of Wis-
 " dom is worth a pound of Clergy. Your greatest Clerks are not
 " your

“ your wisest men : and when some foul Absurdity in State is com-
 “ mitted, it is common with the *French*, and even the *Italians*, to call
 “ it *Pas de Clerck*, or, *Governo da Prete*. They may bear with men
 “ that will be preaching without study, while they will be govern-
 “ ing without Prudence. My Lords, if you know not how to rule
 “ your Clergy, you will most certainly, like a man that cannot rule
 “ his Wife, have neither quiet at home, nor honour abroad. Their
 “ honest Vocation is to teach your Children at the Schools and the
 “ Universities, and the People in the Parishes : and yours is concern’d
 “ to see that they do not play the shrews : of which parts does con-
 “ sist the Education of your Common-wealth, so far as it regards Re-
 “ ligion.

*The Inns of
 Court and
 Chancery.*

“ T O JUSTICE, or that part of it which is commonly executive,
 “ answers the Education of the Inns of Court and Chancery. Upon
 “ which to philosophize requires a peculiar kind of Learning that I have
 “ not. But they who take upon them any Profession proper to the E-
 “ ducations mention’d, that is, Theology, Physic, or Law, are not
 “ at leisure for the Essays. Wherefore the Essays being Degrees where-
 “ by the Youth commence for all Magistracies, Offices, and Honours in
 “ the Parish, Hundred, Tribe, Senate or Prerogative ; Divines, Phy-
 “ sicians, and Lawyers, not taking these Degrees, exclude themselves
 “ from all such Magistracies, Offices, and Honours. And whereas
 “ Lawyers are likest to exact further reason for this, they (growing
 “ up from the most gainful Art at the Bar to those Magistracies upon
 “ the Bench, which are continually appropriated to themselves, and
 “ not only endow’d with the greatest Revenues, but also held for
 “ life) have the least reason of all the rest to pretend to any other ;
 “ especially in an equal Common-wealth, where Accumulate on of Ma-
 “ gistracy, or to take a Person engag’d by his Profit to the Laws, as
 “ they stand, into the Power which is Legislative, and which should
 “ keep them to what they were, or ought to be, were a Solæcism in
 “ Prudence. It is true, that the Legislative Power may have need of
 “ Advice and Assistance from the executive Magistracy, or such as are
 “ learn’d in the Law ; for which cause the Judges are, as they have
 “ heretofore been, Assistants in the Senate. Nor however it came a-
 “ bout, can I see any reason why a Judge, being but an Assistant or
 “ Lawyer, should be Member of a Legislative Council.

“ I D E N Y not, that the *Roman* Patricians were all Patrons, and
 “ that the whole People were Clients, some to one Family, and some to
 “ another, by which means they had their Causes pleaded and defend-
 “ ed in some appearance *gratis* ; for the Patron took no Money, tho’ if
 “ he had a Daughter to marry, his Clients were to pay her Portion :
 “ nor was this so great a grievance. But if the Client accus’d his
 “ Patron, gave testimony or suffrage against him, it was a crime of
 “ such a nature, that any man might lawfully kill him as a Traitor ;
 “ and this, as being the nerve of the Optimacy, was a great cause of
 “ ruin to that Common-wealth : for when the People would carry
 “ any thing that pleas’d not the Senate, the Senators were ill provided
 “ if they could not intercede, that is, oppose it by their Clients ;
 “ with whom, to vote otherwise than they pleas’d, was the highest
 “ Crime. The observation of this Bond till the time of the GRAC-
 “ CHI, that is to say, till it was too late, or to no purpose to break it,
 “ was the cause, why in all the former heats and disputes that had
 “ happen’d

“ happen'd between the Senate and the People, it never came to blows,
 “ which indeed was good : but withal, the People could have no re-
 “ medy, which was certainly evil. Wherefore I am of opinion, that
 “ a Senator ought not to be a Patron or Advocate, nor a Patron or Ad-
 “ vocate to be a Senator : for if his Practice be *gratis*, it debauches
 “ the People ; and if it be mercenary, it debauches himself : take it
 “ which way you will, when he should be making of Laws, he will
 “ be knitting of Nets.

“ LYCURGUS, as I said, by being a Traveller became a Legi-
 “ slator, but in times when Prudence was another thing. Neverthe-
 “ less we may not shut out this part of Education in a Common-
 “ wealth, which will be her self a Traveller ; for those of this make
 “ have seen the World, especially because this is certain (tho' it be not
 “ regarded in our times, when things being left to take their chance, it
 “ fares with us accordingly) that no man can be a Politician, except he
 “ be first an Historian or a Traveller ; for except he can see what must
 “ be, or what may be, he is no Politician. Now if he has no know-
 “ ledge in Story, he cannot tell what has been ; and if he has not been
 “ a Traveller, he cannot tell what is : but he that neither knows what
 “ has been, nor what is, can never tell what must be, or what may
 “ be. Furthermore, the Embassies in ordinary by our Constitution
 “ are the Prizes of young men, more especially such as have been Tra-
 “ vellers. Wherefore they of these inclinations having leave of the
 “ Censors, owe them an account of their time, and cannot choose but
 “ lay it out with some ambition of Praise or Reward, where both are
 “ open : whence you will have eyes abroad, and better choice of pub-
 “ lic Ministers ; your Gallants shewing themselves not more to the
 “ Ladies at their Balls, than to your Common-wealth at her Aca-
 “ demy, when they return from their Travels.

“ BUT this Common-wealth being constituted more especially of
 “ two Elements, Arms and Councils, drives by a natural instinct at
 “ Courage and Wisdom ; which he who has attain'd, is arriv'd at the
 “ perfection of human nature. It is true, that these Virtues must have
 “ some natural root in him that is capable of them ; but this amounts
 “ not to so great a matter as some will have it. For if Poverty makes
 “ an industrious, a moderate Estate a temperate, and a lavish Fortune
 “ a wanton man, and this be the common course of things ; Wisdom
 “ then is rather of necessity than inclination. And that an Army
 “ which was meditating upon flight, has been brought by despair to
 “ win the Field, is so far from being strange, that like causes will
 “ evermore produce like effects. Wherefore this Common-wealth
 “ drives her Citizens like Wedges ; there is no way with them but
 “ thorow, nor end but that Glory whereof Man is capable by Art or
 “ Nature. That the Genius of the *Roman* Families commonly preserv-
 “ ed it self throughout the line (as to instance in some, the *MANLI*
 “ were still severe, the *PUBLICOLÆ* lovers, and the *APPII* haters of
 “ the People) is attributed by *MACHIAVEL* to their Education : nor,
 “ if Interest might add to the reason why the Genius of a *Patrician*
 “ was one thing, and that of a *Plebeian* another, is the like so appa-
 “ rent between different Nations, who, according to their different
 “ Educations, have yet as different manners. It was antiently noted,
 “ and long confirm'd by the actions of the *French*, that in their first af-
 “ faults their Courage was more than that of Men ; and for the rest less
 “ than

“ than that of Women : which nevertheless, thro’ the amendment of
 “ their Discipline, we see now to be otherwise. I will not say, but
 “ that some Man or Nation upon an equal improvement of this kind
 “ may be lighter than some other ; but certainly, Education is the
 “ scale without which no Man or Nation can truly know his or her
 “ own weight or value. By our Histories we can tell when one *Mar-*
 “ *pesian* would have beaten ten *Oceaners*, and when one *Oceaner* would
 “ have beaten ten *Marpesians*. MARC ANTHONY was a *Roman*, but
 “ how did that appear in the imbraces of CLEOPATRA ? You must
 “ have some other Education for your Youth ; or they, like that pas-
 “ sage, will shew better in Romance than true Story.

“ THE Custom of the Common-wealth of *Rome* in distributing
 “ her Magistracies without respect of age, happen’d to do well in
 “ CORVINUS and SCIPIO ; for which cause MACHIAVEL (with
 “ whom that which was done by *Rome*, and that which is well
 “ done, is for the most part all one) commends this course. Yet how
 “ much it did worse at other times, is obvious in POMPEY and CÆ-
 “ SAR ; Examples by which BOCCALINI illustrates the Prudence of
 “ *Venice* in her contrary practice, affirming it to have been no small
 “ step to the ruin of the *Roman* Liberty, that these (having tasted in
 “ their Youth of the supreme Honours) had no greater in their age to
 “ hope for, but by perpetuating of the same in themselves ; which
 “ came to Blood, and ended in Tyranny. The opinion of VERU-
 “ LAMIUS is safe : *The Errors*, says he, *of young men are the ruin of*
 “ *business ; whereas the Errors of old men amount but to this, that more*
 “ *might have been done, or sooner.* But tho’ their Wisdom be little, their
 “ Courage is great : Wherefore (to come to the main Education of
 “ this Common-wealth) the Militia of *Oceana* is the Province of
 “ Youth.

“ THE distribution of this Province by the Essays is so fully de-
 “ scribed in the Order, that I need repeat nothing : the Order it self
 “ being but a Repetition or Copy of that Original, which in antient
 “ Prudence is of all others the fairest ; as that from whence the Com-
 “ mon-wealth of *Rome* more particularly deriv’d the Empire of the
 “ World. And there is much more reason in this age, when Govern-
 “ ments are universally broken or swerv’d from their Foundations, and
 “ the People groan under Tyranny, that the same causes (which could
 “ not be withstood when the World was full of popular Governments)
 “ should have the like effects.

“ THE Causes in the Common-wealth of *Rome*, whereof the Em-
 “ pire of the World was not any miraculous, but a natural (nay I may
 “ safely say a necessary) consequence, are contain’d in that part of her
 “ Discipline which was domestic, and in that which she exercis’d in
 “ her Provinces or Conquest. Of the latter I shall have better occa-
 “ sion to speak when we come to our provincial Orbs ; the former
 “ divided the whole People by Tribes, amounting, as LIVY and
 “ CICERO shew, at their full growth to thirty five, and every
 “ Tribe by the Cense or Valuation of Estates into five Classes : for the
 “ sixth being *Proletary*, that is the Nursery, or such as thro’ their po-
 “ verty contributed nothing to the Common-wealth but Children, was
 “ not reckon’d, nor us’d in Arms. And this is the first point of the
 “ Militia, in which modern Prudence is quite contrary to the antient ;
 “ for whereas we, excusing the rich, and arming the poor, become the
 “ Vassals

“ Vassals of our Servants, they, by excusing the poor, and arming
 “ such as were rich enough to be Freemen, became Lords of the Earth.
 “ The Nobility and Gentry of this Nation, who understand so little
 “ what it is to be Lords of the Earth, that they have not been able to
 “ keep their own Lands, will think it a strange Education for their
 “ Children to be common Soldiers, and oblig’d to all the Duties of
 “ Arms: nevertheless it is not for 4 s. a week, but to be capable of
 “ being the best man in the Field or in the City; the latter part of
 “ which consideration makes the common Soldier herein a better man
 “ than the General of any monarchical Army. And whereas it may
 “ be thought, that this would drink deep of noble Blood, I dare
 “ boldly say, take the *Roman* Nobility in the heat of their fiercest
 “ Wars, and you shall not find such a shambles of them as has been
 “ made of ours by mere Luxury and Slothfulness; which, killing the
 “ Body, kill the Soul also; *Animaque in vulnere ponunt*. Whereas
 “ common Right is that which who stands in the vindication of, has
 “ us’d that Sword of Justice for which he receives the Purple of
 “ Magistracy. The Glory of a man on Earth can go no higher, and
 “ if he falls he rises again, and comes sooner to that reward which is
 “ so much higher as Heaven is above the Earth. To return to the
 “ *Roman* Example: Every Classis was divided, as has been more than
 “ once shewn, into Centuries, and every Century was equally divid-
 “ ed into Youth and Elders; the Youth for foreign Service, and the
 “ Elders for the guard of the Territory. In the first Classis were a-
 “ bout eighteen Centuries of Horse, being those which by the Insti-
 “ tution of *SERVIVS* were first call’d to the Suffrage in the * Cen-
 “ turial Assemblies. But the *Delectus*, or Levy of an Army, which
 “ is the present business, proceeded, according to *POLYBIUS*, in this
 “ manner.

“ Upon a War decreed, the Consuls elected four and twenty mi-
 “ litary Tribunes or Colonels; whereof ten, being such as had merited
 “ their tenth Stipend, were younger Officers. The Tribunes being
 “ chosen, the Consuls appointed a day to the Tribes, when those in
 “ them of military age were to appear at the Capitol; the day being
 “ come, and the Youth assembl’d accordingly, the Consuls ascended
 “ their Tribunal, and the younger Tribunes were strait divided into
 “ four parts after this manner: four were assign’d to the first Legion
 “ (a Legion at the most consisted of 6000 Foot, and 300 Horse)
 “ three to the second, four to the third, and three to the fourth. The
 “ younger Tribunes being thus distributed, two of the elder were
 “ assign’d to the first Legion, three to the second, two to the third,
 “ and three to the fourth. And the Officers of each Legion thus as-
 “ sign’d, having drawn the Tribes by Lots, and being seated accord-
 “ ing to their divisions at a convenient distance from each other,
 “ the Tribe of the first Lot was call’d: whereupon they that were of
 “ it knowing the business, and being prepar’d, presently bolted out four
 “ of their number, in the choice whereof such care was taken, that
 “ they offer’d none that was not a Citizen; no Citizen that was not
 “ of the Youth; no Youth that was not of some one of the five
 “ Classes; nor any one of the five Classes that was not expert at his
 “ Exercises. Moreover, they us’d such diligence in matching them

* Centuriatis.

“ for age and Stature, that the Officers of the Legions, except they
 “ happen’d to be acquainted with the Youth so bolted, were forc’d to
 “ put themselves upon fortune, while they of the first Legion chose
 “ one; they of the second, the next; they of the third another;
 “ and the fourth Youth fell to the last Legion: and thus was the
 “ Election (the Legions and the Tribes varying according to their
 “ Lots) carry’d on till the Foot were compleat. The like course with
 “ little alteration was taken by the Horse Officers till the Horse also
 “ were compleat. This was call’d giving of Names, which the
 Judg. 20. 9. “ Children of *Israel* did also by Lot; and if any man refus’d to give
 “ his Name, he was sold for a Slave, or his Estate confiscated to the
 “ Common-wealth. When * *MARCUS CURIUS* the Consul was
 “ forc’d to make a sudden Levy, and none of the Youth would give in their
 “ Names, all the Tribes being put to the Lot, he commanded the first
 “ Name drawn out of the Urn of the Pollion Tribe (which happen’d to
 “ come first) to be call’d; but the Youth not answering, he order’d his Goods
 “ to be sold: which was conformable to the Law in *Israel*, according
 “ to which SAUL took a yoke of Oxen, and hew’d them in pieces,
 1 Sam. 11. 7. “ and sent them throughout the Tribes, saying, *Whoever comes not*
 “ *forth to battle after SAUL and SAMUEL, so shall it be done to his Oxen.*
 “ By which you may observe also, that they who had no Cattle
 “ were not of the Militia in *Israel*. But the age of the Roman Youth
 “ by the *Tullian* Law determin’d at 30; and by the Law (tho’ it
 “ should seem by MACHIAVEL and others, that this was not
 “ well observ’d) a Man could not stand for Magistracy till he was
 “ *Miles emeritus*, or had fulfil’d the full term of his Militia, which
 “ was compleat in his tenth Stipend or Service: nor was he after-
 “ wards oblig’d under any penalty to give his name, except the
 “ Common-wealth were invaded, in which case the Elders were as
 “ well oblig’d as the Youth. † The Consul might also levy *Milites*
 “ *evocatos*, or Soldiers, commanded men out of such as had serv’d
 “ their turn, and this at his discretion. The Legions being thus com-
 “ pleat, were divided by two to each Consul; and in these no Man
 “ had right to serve but a Roman Citizen: now because two Le-
 “ gions made but a small Army, the Romans added to every one of
 “ their Armies an equal number of Foot, and a double number of
 “ Horse levy’d among their *Latin* or *Italian* Associates; so a Consular
 “ Army, with the Legions and Auxiliaries, amounted to about thirty
 “ thousand: and whereas they commonly levy’d two such Armies to-
 “ gether, these being join’d made about sixty thousand.
 “ THE Steps whereby our Militia follows the greatest Captain;
 “ are the three Essays; the first, elected by a fifth man in the || Pa-
 “ rishes, and amounting in the whole to one hundred thousand, choose
 “ their Officers at the ** Hundreds, where they fall also to their
 “ Games or Exercises, invited by handsome Prizes, such as for them-
 “ selves and the honour of them will be coveted; such as will render
 “ the Hundred a place of Sports, and exercise of Arms all the year
 “ long; such as in the space of ten years will equip 30000 Men,

* *Marcus Curius* Consul cum subito delectum edicere coactus esset, & juniorum nemo re-
 spondisset, conjectis in sortem omnibus, Polie quæ proxima exierat, primum nomen urnâ ex-
 tractum citari iussit, neque eo respondente, bona adolescentis hastâ subjecit. Val. † Quod per
 magnos tumultus fieri solitum erat, iustitio indicto, delectus sine vacationibus habitus est. Liv.
 || *Curiatis*. ** *Centuriatis*.

“ Horse and Foot, with such Arms for their Forge, Proof, and Beauty, as (notwithstanding the *Argyraspides*, or silver Shields of ALEXANDER’s Guards) were never worn by so many; such as will present marks of Virtue and Direction to your General or Strategus in the distribution of his Army, which doubles the value of them to the Proprietors, who are bound to wear them, and eases the Common-wealth of so much Charge, so many being arm’d already.

“ BUT here will be the Objection now. How shall such a Revenue be compas’d? Fifty pounds a year in every Hundred is a great deal, not so easily rais’d: Men will not part with their Money; nor would the sum as it is propos’d by the Order of *Pompe*, rise in many years. These are difficulties that fit our Genius exactly: And yet a thousand pounds in each Hundred once levy’d, establishes the Revenue for ever. Now the Hundreds one with another are worth ten thousand pounds a year dry Rent, over and above personal Estates, which bring it to twice the value: So that a twentieth part of one year’s Revenue of the Hundred does it. If you cannot afford this while you pay Taxes, tho’ from henceforth they will be but small ones, do it when you pay none. If it be then too much for one year, do it in two: If it be too much for two years, do it in four. What Husbands have we hitherto been? What is become of greater Sums? My Lords, if you should thus cast your Bread upon the Waters, after many days you would find it: stand not huckling when you are offer’d Corn and your Money again in the mouth of the Sack.

“ BUT to proceed: The first Essay being officer’d at the Hundreds, and muster’d at the * Tribes (where they are entertain’d with other Sports, which will be very fine ones) proceeds to the Election of the second Essay, or standing Army of this Nation, consisting of thirty thousand Foot, and ten thousand Horse; and these, upon a War decreed, being deliver’d at the Rendevouz of *Oceana* to the Strategus, are the third Essay, which answers to the *Roman* Legions. But you may observe, that whereas the Consuls elected the military Tribunes, and rais’d commanded Men out of the Veterans at their own discretion; our Polemarchs or Field Officers are elected by the Scrutiny of the Council of War: and our Veterans not otherwise taken on than as Volunteers, and with the consent of the Polemarchs; which may serve for the removal of certain scruples which might otherwise be incident in this place, tho’ without encouragement by the *Roman* way of proceeding, much less by that which is propos’d. But whereas the *Roman* Legions in all amounted not in one Army to above 30000 Men, or little more, you have here forty thousand; and whereas they added Auxiliaries, it is in this regard that *Marpesia* will be a greater Revenue to you, than if you had the *Indies*; for whereas heretofore she has yielded you nothing but her native Thistles, in plowing out the rankness of her Aristocracy by your Agrarian, you will find her an inexhaustible Magazine of Men, and to her own advantage, who will make a far better account by the Arms, than by the Pins of *Poland*. Wherefore as a Consular Army consisted of about an equal number of Auxiliaries added to their Legions by their *Latin* or *Italian* Associates, you may

* Tribatis.

“ add to a Parliamentary Army an equal number of *Marpefians* or *Pa-*
 “ *nopeans*, as that Colony shall hereafter be able to supply you: By
 “ which means the Common-wealth will be able to go forth to Battle
 “ with fourscore thousand Men. To make Wars with small Forces
 “ is no Husbandry, but a waste, a disease, a lingring and painful con-
 “ sumption of Men and Money; the *Romans* making theirs thick, made
 “ them short, and had little regard to Money, as that which they who
 “ have Men enow, can command where it is fittest that it should be
 “ levy’d. All the antient Monarchies by this means got on wing, and
 “ attain’d to vast Riches. Whereas your modern Princes being dear
 “ purchasfers of small parcels, have but empty pockets. But it may
 “ be some will accuse the Order of rashness, in that it commits the sole
 “ Conduct of the War to the General; and the Custom of *Venice* by
 “ her *Proveditori*, or checks upon her Commanders in chief, may
 “ seem to be of greater Prudence: but in this part of our Government
 “ neither *Venice* nor any Nation that makes use of mercenary Forces
 “ is for our instruction. A mercenary Army, with a standing Gene-
 “ ral, is like the fatal Sister that spins; but proper Forces, with an
 “ annual Magistrate, are like her that cuts the thread. Their Interests
 “ are quite contrary, and yet you have a better Proveditor than the
 “ *Venetian*, another Strategus sitting with an Army standing by him;
 “ whereupon that which is marching, if there were any probability
 “ it should, would find as little possibility that it could recoil, as a
 “ foreign Enemy to invade you. These things consider’d, a War will
 “ appear to be of a contrary nature to that of all other reckonings, in-
 “ asmuch as of this you must never look to have a good account if
 “ you be strict in imposing checks. Let a Council of Huntsmen
 “ assembl’d beforehand, tell you which way the Stag shall run, where
 “ you shall cast about at the fault, and how you shall ride to be in at
 “ the chase all the day: but these may as well do that, as a Council
 “ of War direct a General. The hours that have painted wings, and
 “ of different colours, are his Council: he must be like the Eye that
 “ makes not the Scene, but has it so soon as it changes. That in many
 “ Counsellors there is strength, is spoken of Civil Administrations:
 “ as to those that are military, there is nothing more certain, than
 “ that in many Counsellors there is weakness. Joint Commissions in
 “ military affairs, are like hunting your Hounds in their Couples. In
 “ the *Attic* War CLEOMENES and DEMARATUS, Kings of *Lace-*
 “ *demon*, being thus coupled, tug’d one against another; and while
 “ they should have join’d against the *Persian*, were the cause of the
 “ common calamity: whereupon that Common-wealth took better
 “ Council, and made a Law, whereby from thenceforth there went
 “ at once but one of her Kings to Battle.

“ *THE* Fidenati being in rebellion, and having slain the Colony of
 “ the Romans, four Tribunes with Consular Power were created by the Peo-
 “ ple of Rome, whereof one being left for the guard of the City, the other
 “ three were sent against the Fidenati, who, thro’ the division that happen’d
 “ among them, brought nothing home but Dishonour: whereupon the Ro-
 “ mans created the Dictator, and LIVY gives his Judgment in these
 “ words: * The three Tribunes with Consular Power were a lesson how useles

* Tres Tribuni, potestate Consulari, documento fuere, quàm plurium imperium bello inutile
 esset; tendendo ad sua quisque consilia, cum alii aliud videretur, aperuerunt ad occasionem, locum
 hosti.

“ in War is the joint Command of several Generals; for each following
 “ his own Counsils, while they all differ'd in their opinions, gave by this
 “ opportunity an advantage to the Enemy. When the Consuls QUINTIUS
 “ and AGRIPPA were sent against the ÆQUI, AGRIPPA for this rea-
 “ son refus'd to go with his Colleague, saying, * That in the admini-
 “ stration of great Actions it was most safe that the chief Command
 “ should be lodg'd in one Person. And if the Ruin of modern Armies
 “ were well consider'd, most of it would be found to have faln upon this
 “ point: it being in this case far safer to trust to any one Man of common
 “ Prudence, than to any two or more together of the greatest Parts. The
 “ Consuls indeed being equal in Power, while one was present with
 “ the Senate, and the other in the Field with the Army, made a good
 “ Balance; and this with us is exactly follow'd by the Election of a
 “ new Strategus upon the march of the old one.

“ THE seven and twentieth Order, whereby the Elders in case
 “ of Invasion are oblig'd to equal duty with the Youth, and each
 “ upon their own charge, is suitable to Reason (for every Man de-
 “ fends his own Estate) and to our Copy, as in the War with the
 “ Samnites and Tuscans. † The Senate order'd a Vacation to be proclaim'd
 “ and a Levy to be made of all sorts of Persons: And not only the Free-
 “ men and Youths were list'd, but Cohorts of the old Men were likewise
 “ form'd. This Nation of all others is the least obnoxious to Invasion.
 “ Oceana, says a French Politician, is a Beast that cannot be devour'd
 “ but by herself; nevertheless, that Government is not perfect which
 “ is not provided at all points; and in this (*ad Triarios res rediit*)
 “ the Elders being such as in a martial State must be Veterans, the
 “ Common-wealth invaded gathers strength like ANTÆUS by her
 “ fall, while the whole number of the Elders consisting of five hun-
 “ dred thousand, and the Youth of as many, being brought up ac-
 “ cording to the Order, give twelve successive Battles, each Battle
 “ consisting of eighty thousand Men, half Elders and half Youth.
 “ And the Common-wealth whose Constitution can be no stranger to
 “ any of those Virtues which are to be acquir'd in human life, grows
 “ familiar with Death ere she dies. If the hand of God be upon her
 “ for her Transgressions, she shall mourn for her Sins, and lie in the
 “ dust for her Iniquities, without loosing her Manhood.

*Si fractus illabatur orbis,
 Impavidam ferient ruinæ.*

THE remaining part, being the Constitution of the Provincial
 Orb, is partly Civil, or consisting of the Elders; and partly Military,
 or consisting of the Youth. The Civil part of the provincial Orb is
 directed by

THE twenty eighth ORDER, whereby the Council of a Province
 being constituted of twelve Knights, divided by four into three Regions
 (for their term and revolution conformable to the Parliament) is perpe-
 tuated by the annual election at the Tropic of four Knights (being tri-
 ennial Magistrates) out of the Region of the Senate whose term expires;
 and of one Knight out of the same Region to be Strategus or General of

28. Order.
 Constitution of
 the Civil part
 of the Provin-
 cial Orb.

* Saluberrimum in administratione magnarum rerum, summam imperii apud unum esse.

† Senatus iustitium indici, delectum omnis generis hominum haberi iussit: nec ingenui modo, &
 uniores Sacramento adacti sunt, sed seniorum etiam cohortes factæ.

“ add to a Parliamentary Army an equal number of *Marpefians* or *Panopeans*, as that Colony fhall hereafter be able to fupply you: By which means the Common-wealth will be able to go forth to Battle with fourfcore thoufand Men. To make Wars with fmall Forces is no Husbandry, but a wafte, a difeafe, a lingring and painful confumption of Men and Money; the *Romans* making theirs thick, made them fhort, and had little regard to Money, as that which they who have Men enow, can command where it is fitteft that it fhould be levy’d. All the antient Monarchies by this means got on wing, and attain’d to vafte Riches. Whereas your modern Princes being dear purchafers of fmall parcels, have but empty pockets. But it may be fome will accufe the Order of rafhnefs, in that it commits the fole Conduct of the War to the General; and the Custom of *Venice* by her *Proveditori*, or checks upon her Commanders in chief, may feem to be of greater Prudence: but in this part of our Government neither *Venice* nor any Nation that makes ufe of mercenary Forces is for our inftruction. A mercenary Army, with a ftanding General, is like the fatal Sifter that fpins; but proper Forces, with an annual Magiftrate, are like her that cuts the thread. Their Interests are quite contrary, and yet you have a better Proveditor than the *Venetian*, another Strategus fitting with an Army ftanding by him; whereupon that which is marching, if there were any probability it fhould, would find as little poffibility that it could recoil, as a foreign Enemy to invade you. Thefe things confider’d, a War will appear to be of a contrary nature to that of all other reckonings, inasmuch as of this you muft never look to have a good account if you be ftrict in impofing checks. Let a Council of Huntfmen afsembl’d beforehand, tell you which way the Stag fhall run, where you fhall caft about at the fault, and how you fhall ride to be in at the chafe all the day: but thefe may as well do that, as a Council of War direct a General. The hours that have painted wings, and of different colours, are his Council: he muft be like the Eye that makes not the Scene, but has it fo foon as it changes. That in many Counfellors there is ftrength, is fpoken of Civil Adminiftrations: as to thofe that are military, there is nothing more certain, than that in many Counfellors there is weaknefs. Joint Commissions in military affairs, are like hunting your Hounds in their Couples. In the *Attic* War CLEOMENES and DEMARATUS, Kings of *Lacedemon*, being thus coupled, tug’d one againft another; and while they fhould have join’d againft the *Persian*, were the caufe of the common calamity: whereupon that Common-wealth took better Council, and made a Law, whereby from thenceforth there went at once but one of her Kings to Battle.

“ *THE Fidenati being in rebellion, and having flain the Colony of the Romans, four Tribunes with Confular Power were created by the People of Rome, whereof one being left for the guard of the City, the other three were fent againft the Fidenati, who, thro’ the divifion that happen’d among them, brought nothing home but Difhonour: whereupon the Romans created the Dictator, and LIVY gives his Judgment in thefe words: * The three Tribunes with Confular Power were a leffon how ufelefs*

* Tres Tribuni, potestate Confulari, documento fuere, quàm plurium imperium bello inutile effe; tendendo ad fua quifque confilia, cum alii aliud videretur, aperuerunt ad occafionem, locum hofti.

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 “ his own Counsils, while they all differ'd in their opinions, gave by this
 “ opportunity an advantage to the Enemy. When the Consuls QUINTIUS
 “ and AGRIPPA were sent against the ÆQUI, AGRIPPA for this rea-
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 “ stration of great Actions it was most safe that the chief Command
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*Si fractus illabatur orbis,
 Impavidam ferient ruinæ.*

THE remaining part, being the Constitution of the Provincial
 Orb, is partly Civil, or consisting of the Elders; and partly Military,
 or consisting of the Youth. The Civil part of the provincial Orb is
 directed by

THE twenty eighth ORDER, whereby the Council of a Province
 being constituted of twelve Knights, divided by four into three Regions
 (for their term and revolution conformable to the Parliament) is perpe-
 tuated by the annual election at the Tropic of four Knights (being tri-
 ennial Magistrates) out of the Region of the Senate whose term expires;
 and of one Knight out of the same Region to be Strategus or General of

28. Order.
 Constitution of
 the Civil part
 of the Provin-
 cial Orb.

* Saluberrimum in administratione magnarum rerum, summam imperii apud unum esse.
 † Senatus iustitium indici, delectum omnis generis hominum haberi iussit: nec ingenui modo, &
 uniores Sacramento adacti sunt, sed seniorum etiam cohortes factæ.

the Province, which Magistracy is annual. The Strategus or Magistrate thus chosen shall be as well President of the Provincial Council with power to propose to the same, as General of the Army. The Council for the rest shall elect weekly Provosts, having any two of them also right to propose after the manner of the Senatorian Councils of *Oceana*. And whereas all Provincial Councils are Members of the Council of State, they may and ought to keep diligent correspondence with the same, which is to be done after this manner: Any Opinion or Opinions legitimately propos'd and debated at a Provincial Council, being thereupon sign'd by the Strategus, or any two of the Provosts, may be transmitted to the Council of State in *Oceana*; and the Council of State proceeding upon the same in their natural course (whether by their own Power, if it be a matter within their Instructions, or by Authority of the Senate thereupon consulted, if it be a matter of State which is not in their Instructions; or by Authority of the Senate and command of the People, if it be a matter of Law, as for the Levies of Men or Money upon common use and safety) shall return such Answers, Advice, or Orders, as in any of the ways mention'd shall be determin'd upon the case. The Provincial Councils of *Marpesia* and *Panopea* respectively shall take special care that the Agrarian Laws, as also all other Laws that be or shall from time to time be enacted by the Parliament of *Oceana*, for either of them, be duly put in execution: they shall manage and receive the customs of either Nation for the Shipping of *Oceana*, being the common Guard: they shall have a care that moderate and sufficient pay upon the respective Province be duly rais'd for the support and maintenance of the Officers and Soldiers, or Army of the same in the most effectual, constant and convenient way: they shall receive the *Regalia*, or public Revenues of those Nations, out of which every Counsellor shall have for his term, and to his proper use, the Sum of 500 *l. per annum*, and the Strategus 500 *l.* as President, besides his pay as General, which shall be 1000 Pounds; the remainder to go to the use of the Knights and Deputies of the respective Provinces, to be paid, if it will reach, according to the rates of *Oceana*; if not, by an equal distribution, respectively; or the overplus, if there be any, to be return'd to the Treasury of *Oceana*. They shall manage the Lands (if there be any such held in either of the Provinces by the Common-wealth of *Oceana*, in Dominion) and return the Rents into the Exchequer. If the Common-wealth comes to be possess'd of richer Provinces, the pay of the General or Strategus, and of the Councils, may be respectively encreas'd. The People for the rest shall elect their own Magistrates, and be govern'd by their own Laws, having Power also to appeal from their native or provincial Magistrates, if they please, to the People of *Oceana*. And whereas there may be such as receiving Injury, are not able to prosecute their Appeals at so great a distance, eight Serjeants at Law being sworn by the Commissioners of the Seal, shall be sent by four into each Province once in two years; who, dividing the same by Circuits, shall hear such causes; and having gather'd and introduc'd them, shall return to the several Appellants, *gratis*, the Determinations and Decrees of the People in their several cases.

THE term of a Knight in a Provincial Orb, as to domestic Magistracies, shall be esteemed a Vacation, and no bar to present Election to any other Honour, his provincial Magistracy being expir'd.

THE

THE *Quorum* of a Provincial Council, as also of every other Council or Assembly in *Oceana*, shall in time of health consist of two parts in three of the whole number proper to that Council or Assembly; and in a time of sickness, of one part in three: But of the Senate there can be no *Quorum* without three of the Signory; nor of a Council without two of the Provosts.

THE Civil part of the Provincial Orb being declar'd by the foregoing Order: the Military part of the same is constituted by

THE twenty ninth ORDER; whereby the Stratiots of the third Essay having drawn the Gold Balls mark'd with the Letter *M*, and being ten Horse and fifty Foot in a Tribe, that is to say, five hundred Horse, and two thousand five hundred Foot in all, the Tribes shall be deliver'd by the respective Conductors to the provincial Strategus or General, at such a time and place, or Rendevouz, as he shall appoint by Order and Certificate of his Election: and the Strategus having receiv'd the Horse and Foot mention'd, which are the third Classis of his provincial Guard or Army, shall forthwith lead them away to *Marpesia*, where the Army consists of three Classes, each Classis containing three thousand Men, whereof five hundred are Horse; and receiving the new Strategus with the third Classis, the old Strategus with the first Classis shall be dismiss'd by the Provincial Council. The same method with the Stratiots of the letter *P*, is to be observ'd for the provincial Orb of *Panopea*: and the Common-wealth coming to acquire new Provinces, the Senate and the People may erect new Orbs in like manner, consisting of greater or less numbers, according as is requir'd by the respective occasion. If a *Stratiot* has once serv'd his term in a Provincial Orb, and happens afterwards to draw the Letter of a Province at the Election of the second Essay, he may refuse his Lot; and if he refuses it, the Cenfor of that Urn shall cause the Files balloting at the same to make a halt; and if the Stratiot produces the Certificate of his Strategus or General, that he has serv'd his time accordingly, the Cenfor throwing the Ball that he drew into the Urn again, and taking out a Blank, shall dismiss the Youth and cause the Ballot to proceed.

29. Order.
Constitution of
the Military
part of the Pro-
vincial Orb.

TO perfect the whole Structure of this Common-wealth, some Directions are given to the third Essay, or Army marching, in

THE thirtieth ORDER. When thou goest to battle against thy Enemies, and seest Horses and Chariots, and a People more than thou; be not afraid of them, for the Lord thy God is he that goes with thee to fight for thee against thy Enemies. And when thou dividest the Spoil, it shall be as a Statute and an Ordinance to thee, that as his part is that goes down to the battle, so shall his part be that tarries by the Stuff: that is, (as to the Common-wealth of *Oceana*) The Spoil taken of the Enemy (except Cloaths, Arms, Horses, Ammunition and Victuals, to be divided to the Soldiery by the Strategus and the Polemarchs upon the place according to their discretion) shall be deliver'd to four Commissaries of the Spoils elected and sworn by the Council of War; which Commissaries shall be allowed Shipping by the State, and Convoys according as occasion shall require by the Strategus; to the end that having a Bill of Lading sign'd by three or more of the Polemarchs, they may ship and bring, or cause such Spoils to be brought to the Prize-

30. Order.

Deut. 20. 1.

1 Sam. 30. 24.

Prize-Office in *Oceana*, where they shall be sold; and the Profit arising by such Spoils shall be divided into three parts, whereof one shall go to the Treasury, another shall be paid to the Soldiery of this Nation, and a third to the Auxiliaries at their return from their Service, provided that the said Auxiliaries be equal in number to the proper Forces of this Nation, otherwise their Share shall be so much less as they themselves are fewer in number: the rest of the two thirds to go to the Officers and Soldiers of the proper Forces. And the Spoils so divided to the proper Forces, shall be subdivided into three equal parts, whereof one shall go to the Officers, and two to the common Soldiers: The like for the Auxiliaries. And the Share allotted to the Officers shall be divided into four equal parts, whereof one shall go to the Strategus, another to the Polemarchs, a third to the Colonels, and a fourth to the Captains, Cornets, Ensigns, and under Officers, receiving their share of the Spoil as common Soldiers: The like for the Auxiliaries. And this upon pain, in the case of failure, of what the People of *Oceana* (to whom the Cognizance of Peculat or Crimes of this nature is properly appertaining) shall adjudge or decree.

UPON these three last Orders the ARCHON seem'd to be haranguing at the head of his Army in this manner.

My Dear Lords and Excellent Patriots;

“ **A** GOVERNMENT of this make is a Common-wealth
 “ for Increase. Of those for Preservation, the Inconveniencies
 “ and Frailties have been shewn: Their Roots are narrow, such as do
 “ not run, have no Fibers, their tops weak and dangerously expos'd
 “ to the weather; except you chance to find one, as *Venice*, planted
 “ in a Flower-pot; and if she grows, she grows top-heavy, and falls
 “ too. But you cannot plant an Oak in a Flower-pot; she must have
 “ Earth for her Root, and Heaven for her Branches.

Imperium Oceano, famam quæ terminet astris.

“ **R O M E** was said to be broken by her own weight, but poeti-
 “ cally: For that weight by which she was pretended to be ruin'd,
 “ was supported in her Emperors by a far slighter Foundation. And
 “ in the common experience of good Architecture, there is nothing
 “ more known, than that Buildings stand the firmer and the longer
 “ for their own weight; nor ever swerve thro' any other internal
 “ cause, than that their Materials are corruptible: But the People ne-
 “ ver die; nor, as a political Body, are subject to any other Corrup-
 “ tion than that which derives from their Government. Unless a
 “ Man will deny the Chain of Causes, in which he denies God, he
 “ must also acknowledge the Chain of Effects; wherefore there can be
 “ no effect in Nature, that is not from the first Cause, and those suc-
 “ cessive Links of the Chain, without which it could not have been.
 “ Now except a Man can shew the contrary in a Common-wealth; if
 “ there be no cause of Corruption in the first make of it, there can
 “ never be any such Effect. Let no Man's Superstition impose Pro-
 “ faneness upon this Assertion; for as Man is sinful, but yet the Uni-
 “ verse is perfect, so may the Citizen be sinful, and yet the Com-
 “ mon-wealth be perfect. And as Man, seeing the World is perfect,
 “ can never commit any such Sin as shall render it imperfect, or bring
 “ it

“ it to a natural dissolution; so the Citizen, where the Common-
 “ wealth is perfect, can never commit any such Crime as will render
 “ it imperfect, or bring it to a natural dissolution. To come to ex-
 “ perience; *Venice*, notwithstanding we have found some flaws in
 “ it, it is the only Common-wealth in the Make whereof no man can
 “ find a cause of dissolution; for which reason we behold her (tho’
 “ she consists of men that are not without sin) at this day with one
 “ thousand Years upon her back, yet for any internal cause, as young,
 “ as fresh, and free from decay, or any appearance of it, as she was
 “ born: but whatever in nature is not sensible of decay by the course
 “ of a thousand Years, is capable of the whole Age of Nature; by
 “ which Calculation, for any check that I am able to give my self, a
 “ Common-wealth, rightly order’d, may, for any internal causes, be
 “ as immortal or long-liv’d as the World. But if this be true, those
 “ Common-wealths that are naturally fall’n, must have deriv’d their
 “ Ruin from the rise of them. *Israel* and *Athens* dy’d not natural but
 “ violent deaths; in which manner the World it self is to die. We
 “ are speaking of those causes of Dissolution which are natural to
 “ Government; and they are but two, either Contradiction or In-
 “ equality: If a Common-wealth be a Contradiction, she must needs
 “ destroy her self; and if she be unequal, it tends to strife, and strife
 “ to ruin. By the former of these fell *Lacedemon*, by the latter *Rome*.
 “ *Lacedemon* being made altogether for War, and yet not for Increase,
 “ her natural Progress became her natural Dissolution, and the build-
 “ ing of her own victorious Hand too heavy for her Foundation; so
 “ that she fell indeed by her own weight. But *Rome* perish’d thro’
 “ her native Inequality, which how it inveterated the Bosoms of the
 “ Senate and the People each against other, and even to death, has been
 “ shewn at large.

“ LOOK well to it, my Lords, for if there be a contradiction or
 “ inequality in your Common-wealth, it must fall; but if it has neither
 “ of these, it has no principle of Mortality. Do not think me impu-
 “ dent; if this be truth, I should commit a gross indiscretion in con-
 “ cealing it. Sure I am that MACHIAVEL is for the immortality of
 “ a Common-wealth upon far weaker Principles. *If a Common-* Disc. B. 3. c.
 “ *wealth, says he, were so happy as to be provided often with men, that,* 2. b. 3. c. 29.
 “ *when she is swerving from her Principles, should reduce her to her*
 “ *Institution, she would be immortal.* But a Common-wealth, as we
 “ have demonstrated, swerves not from her Principles, but by and
 “ thro’ her Institution; if she brought no Biass into the world with
 “ her, her course for any internal cause must be straight forward,
 “ as we see in that of *Venice*. She cannot turn to the right hand,
 “ nor to the left, but by some rub, which is not an internal but exter-
 “ nal cause; against such she can be no way fortify’d, but thro’
 “ her Situation, as is *Venice*; or thro’ her Militia, as was *Rome*: by
 “ which examples a Common-wealth may be secure of those also.
 “ Think me not vain, for I cannot conceal my opinion here; a Com-
 “ mon-wealth that is rightly instituted can never swerve, nor one that
 “ is not rightly instituted be secur’d from swerving by reduction to her
 “ first Principles: Wherefore it is no less apparent in this place, that
 “ MACHIAVEL understood not a Common-wealth as to the whole
 “ piece, than where having told you, *That a Tribune, or any other Ci-* Disc. B. 1. c.
 “ *tizen of Rome, might propose a Law to the People, and debate it with* 18.

D d d

“ them;

“ *them*; he adds, *this Order was good, while the People were good; but*
 “ *when the People became evil, it became most pernicious.* As if this Or-
 “ der (thro’ which, with the like, the People most apparently became
 “ evil) could ever have been good; or that the People, or the Common-
 “ wealth could ever have become good, by being reduc’d to such Princi-
 “ ples as were the Original of their Evil. The disease of *Rome* was,
 “ as has been shewn, from the native inequality of her Balance, and no
 “ otherwise from the Empire of the World, than as, this falling into
 “ one Scale, that of the Nobility (an evil in such a Fabric inevitable,
 “ kick’d out the People. Wherefore a Man that could have made her
 “ to throw away the Empire of the World, might in that have re-
 “ duc’d her to her Principles; and yet have been so far from rendering
 “ her immortal, that going no further, he should never have cur’d
 “ her. But your Common-wealth is founded upon an equal Agrari-
 “ an; and if *the Earth be given to the Sons of men*, this Balance is the
 “ Balance of Justice, such a one as in having due regard to the diffe-
 “ rent Industry of different men, yet *faithfully judges the Poor.* And
 Prov. 29. 14. “ *the King that faithfully judges the Poor, his Throne shall be establish’d*
 “ *for ever*; much more the Common-wealth, seeing that equality
 “ which is the necessary dissolution of Monarchy, is the Generation,
 “ the very Life and Soul of a Common-wealth. And now, if ever,
 “ I may be excusable, seeing my assertion, that the Throne of a Com-
 “ mon-wealth may be establish’d for ever, is consonant to the holy
 “ Scriptures.

“ THE Balance of a Common-wealth that is equal, is of such a
 “ nature, that whatever falls into her Empire, must fall equally; and
 “ if the whole Earth falls into your Scales, it must fall equally; and
 “ so you may be a greater People, and yet not swerve from your Prin-
 “ ciples one hair. Nay, you will be so far from that, that you must
 “ bring the world in such a case to your Balance, even to the Balance
 “ of Justice. But hearken, my Lords; are we on Earth? do we see
 “ the Sun? or are we visiting those shady places which are feign’d by
 “ the Poets?

Continuò auditæ voces, vagitus & ingens.

“ These *Gothic* Empires that are yet in the world, were at the first,
 “ tho’ they had legs of their own, but a heavy and unweildy burden;
 “ but their Foundations being now broken, the Iron of them enters
 “ even into the Souls of the Opprest; and hear the voice of their Com-
 “ fortors: *My Father hath chastis’d you with Whips, but I will chastise*
 “ *you with Scorpions.* Hearken, I say; if thy Brother cries to thee in
 “ affliction, wilt thou not hear him? This is a Common-wealth of the
 “ Fabric, that has an open ear and a public concern; she is not made
 “ for her self only, but given as a Magistrate of God to Mankind, for
 “ the vindication of common Right, and the Law of Nature. Where-
 “ fore says Cicerō of the like, that of the *Romans*, * *We have ra-*
 “ *ther undertaken the Patronage, than the Empire of the World.* If you,
 “ not regarding this Example, like some other Nations that are upon
 “ the point to smart for it, shall, having attain’d to your own Liberty,
 “ bear the Sword of your common Magistracy in vain, sit still, and

* Nos magis Patronatum orbis terrarum suscepiimus, quam Imperium.

“ fold your Arms, or, which is worse, let out the Blood of your People to Tyrants, to be shed in the defence of their Yokes like Water, and so not only *turn the Grace of God into wantonness*, but his *Justice into Wormwood*: I say if you do thus, you are not now making a Common-wealth, but *heaping coals of fire upon your own heads*. A Common-wealth of this make is a Minister of God upon Earth, to the end that the World may be *govern'd with Righteousness*. For which cause (that I may come at length to our present business) the Orders last rehears'd are buds of Empire, such as with the blessing of God may spread the Arms of your Common-wealth, like a holy *Asylum*, to the distress'd World, and give the Earth her Sabbath of years, or rest from her Labours, under the shadow of your Wings. It is upon this point where the Writings of MACHIAVEL, having for the rest excel'd all other Authors, come as far to excel themselves.

“ *COMMON-WEALTHS*, says he, *have had three ways of* Disc.B.2.C.4. *propagating themselves*, one after the manner of Monarchies, by *imposing the Yoke, which was the way of Athens, and towards the latter times of Lacedemon*; another by *equal Leagues, which is the way of Switzerland*; (I shall add of *Holland*, tho' since his time) a third by *inequal Leagues, which, to the shame of the World, was never practis'd*, nay nor so much as seen or minded, by any other Common-wealth but that only of Rome. They will each of them, either for caution or imitation, be worthy to be well weigh'd, which is the proper work of this place. *Athens* and *Lacedemon* have been the occasion of great scandal to the world, in two, or at least one of two regards: the first their Emulation, which involv'd *Greece* in perpetual Wars; the second their way of Propagation, which by imposing Yokes upon others, was plainly contradictory to their own Principles.

“ FOR the first: Governments, be they of what kind soever, if they be planted too close, are like Trees, that impatient in their growth to have it hinder'd, eat out one another. It was not unknown to these in speculation, or, if you read the story of *AGESILAUS*, in action, that either of them with thirty thousand men might have master'd the East; and certainly, if the one had not stood in the others light, *ALEXANDER* had come too late to that end, which was the means (and would be if they were to live again) of ruin, at least to one of them: wherefore with any man that understands the nature of Government this is excusable. So it was between *Oceana* and *Marpesia*; so it is between *France* and *Spain*, tho' less excusable; and so it ever will be in the like cases. But to come to the second occasion of Scandal by them given, which was in the way of their propagation, it is not excusable: for they brought their Confederates under bondage; by which means *Athens* gave occasion of the *Peloponnesian* War, the wound of which she dy'd stinking, when *Lacedemon*, taking the same Infection from her Carcase, soon follow'd.

“ WHEREFORE, my Lords, let these be warnings to you, not to make that Liberty which God has given you a snare to others, in practising this kind of enlargement of your selves.

“ THE second way of Propagation or Enlargement us'd by Common-wealths, is that of *Switzerland* and *Holland*, equal Leagues: This, tho' it be not otherwise mischievous, is useless to the World,

“ and

“ and dangerous to themselves : useless to the World ; for as the former Governments were Storks, these are Blocks, have no sense of Honour, or concern in the Sufferings of others. But as the *Ætolians*, a State of the like Fabric, were reproach’d by PHILIP of *Macedon*, to prostitute themselves, by letting out their Arms to the Lusts of others, while they leave their own Liberty barren, and without legitimate issue ; so I do not defame these People : the *Switzer* for Valour has no Superior, the *Hollander* for Industry no equal ; but themselves in the mean time shall so much the less excuse their Governments, seeing that to the *Switz* it is well enough known that the Ensigns of his Common-wealth have no other *Motto* than *in te converte manus* : and that of the *Hollander*, tho’ he sweats more Gold than the *Spaniard* digs, lets him languish in debt ; for she her self lives upon charity. These are dangerous to themselves, precarious Governments, such as do not command, but beg their Bread from Province to Province, in Coats that being patch’d up of all colours are in effect of none. That their Cantons and Provinces are so many Arrows, is good ; but they are so many Bows too, which is naught.

“ LIKE to these was the Common-wealth of the antient *Tuscans*, hung together like Bobbins, without a hand to weave with them ; therefore easily overcome by the *Romans*, tho’ at that time, for number, a far less considerable People. If your Liberty be not a Root that grows, it will be a Branch that withers ; which consideration brings me to the Paragon, the Common-wealth of *Rome*.

“ THE ways and means whereby the *Romans* acquir’d the Patronage, and in that the Empire of the World, were different, according to the different condition of their Common-wealth in her rise, and in her growth : in her rise she proceeded rather by Colonies ; in her growth by unequal Leagues. Colonies without the bounds of *Italy* she planted none (such dispersion of the *Roman* Citizen as to plant him in foreign parts, till the contrary Interest of the Emperors brought in that Practice, was unlawful) nor did she ever demolish any City within that compass, or devest it of Liberty ; but where as the most of them were Common-wealths, stir’d up by emulation of her great felicity to war against her, if she overcame any, she confiscated some part of their Lands that were the greatest Incendiaries, or causes of the Trouble, upon which she planted Colonies of her own People, preserving the rest of their Lands and Liberties for the Natives or Inhabitants. By this way of proceeding, that I may be as brief as possible, she did many and great things. For in confirming of Liberty, she propagated her Empire ; in holding the Inhabitants from Rebellion, she put a curb upon the incursion of Enemies ; in exonerating her self of the poorer sort, she multiply’d her Citizens ; in rewarding her Veterans, she render’d the rest less seditious ; and in acquiring to her self the reverence of a common Parent, she from time to time became the Mother of new-born Cities.

“ IN her farther growth the way of her Propagation went more upon Leagues, which for the first division were of two kinds, Social and Provincial.

“ AGAIN, Social Leagues, or Leagues of Society, were of two kinds.

“ THE

“ THE first call'd *Latinity* or *Latin*, the second *Italian Right*.

“ THE League between the *Romans* and the *Latins*, or *Latin Right*, approach'd nearest to *Jus Quiritium*, or the Right of a native *Roman*. The Man or the City that was honour'd with this Right, was *Civitate donatus cum suffragio*, adopted a Citizen of *Rome*, with the Right of giving Suffrage with the People in some cases, as those of Confirmation of Law, or Determination in Judicature, if both the Consuls were agreed, not otherwise; wherefore that coming to little, the greatest and most peculiar part of this Privilege was, that who had born Magistracy (at least that of *Ædil* or *Quæstor*) in any Latin City, was by consequence of the same, a Citizen of *Rome* at all points.

“ *ITALIAN Right* was also a donation of the City, but without Suffrage: they who were in either of these Leagues, were govern'd by their own Laws and Magistrates, having all the Rights, as to Liberty, of Citizens of *Rome*, yielding and paying to the Commonwealth as head of the League, and having in the conduct of all Affairs appertaining to the common Cause, such aid of Men and Money as was particularly agreed to upon the merit of the Cause, and specify'd in their respective Leagues, whence such Leagues came to be call'd equal or unequal accordingly.

“ *PROVINCIAL Leagues* were of different extention, according to the Merit and Capacity of a conquer'd People; but they were all of one kind: for every Province was govern'd by *Roman Magistrates*, as a *Prætor* or a *Pro-consul*, according to the dignity of the Province, for the Civil Administration and Conduct of the Provincial Army: and a *Quæstor* for the gathering of the public Revenue, from which Magistrates a Province might appeal to *Rome*.

“ FOR the better understanding of these Particulars, I shall exemplify in as many of them as is needful: and first in *Macedon*.

“ THE *Macedonians* were thrice conquer'd by the *Romans*, first under the Conduct of *TITUS QUINTUS FLAMINIUS*; secondly, under that of *LUCIUS ÆMILIUS PAULUS*; and, thirdly, under that of *QUINTUS CÆCILIUS METELLUS*, thence call'd *MACEDONICUS*.

“ FOR the first time *PHILIP* of *Macedon*, who (possess'd of *Acrocorinthus*) boasted no less than was true, that he had *Greece* in fetters, being overcome by *FLAMINIUS*, had his Kingdom restor'd to him, upon condition that he should immediately set all the Cities which he held in *Greece* and in *Asia* at liberty; and that he should not make war out of *Macedon*, but by leave of the Senate of *Rome*; which *PHILIP* (having no other way to save any thing) agreed should be done accordingly.

“ THE *Grecians* being at this time assembl'd at the *Isthmian Games*, where the Concourse was mighty great, a Crier, appointed to the office by *FLAMINIUS*, was heard among them proclaiming all *Greece* to be free; to which the People, being amaz'd at so hopeless a thing, gave little credit, till they receiv'd such testimony of the truth as put it past all doubt: whereupon they fell immediately on running to the *Pro-consul* with Flowers and Garlands, and such violent expressions of their Admiration and Joy, as, if *FLAMINIUS*, a young man, about thirty three, had not also been very strong, he must have dy'd of no other death than their kindness, while every

“ one striving to touch his hand, they bore him up and down the field
 “ with an unruly throng, full of such Ejaculations as these: How!
 “ Is there a People in the world, that at their own charge, at their own
 “ peril, will fight for the Liberty of another? Did they live at the
 “ next door to this fire? Or what kind of men are these, whose busi-
 “ ness it is to pass the Seas, that the World may be govern'd with
 “ Righteousness? The Cities of *Greece* and of *Asia* shake off their Iron
 “ Fetters at the voice of a Cryer! Was it madness to imagine such a
 “ thing, and is it done? O Virtue! O Felicity! O Fame!

“ IN this Example your Lordships have a donation of Liberty, or
 “ of *Italian* Right to a People, by restitution to what they had for-
 “ merly enjoy'd; and some particular Men, Families, or Cities, accord-
 “ ing to their merit of the *Romans*, if not upon this, yet upon the like
 “ occasions, were gratify'd with Latinity.

“ BUT PHILIP's share by this means did not please him, where-
 “ fore the League was broken by his Son PERSEUS; and the *Mace-*
 “ *donians* thereupon for the second time conquer'd by ÆMILIUS
 “ PAULUS, their King taken, and they some time after the Victory
 “ summon'd to the Tribunal of the General; where remembering how
 “ little hope they ought to have of Pardon, they expected some dread-
 “ ful Sentence; When ÆMILIUS in the first place declar'd the *Ma-*
 “ *cedonians* to be free, in the full possession of their Lands, Goods, and
 “ Laws, with Right to elect annual Magistrates, yielding and paying
 “ to the People of *Rome* one half of the Tribute which they were
 “ accusom'd to pay to their own Kings. This done he went on,
 “ making so skilful a division of the Country in order to the metho-
 “ dizing of the People, and casting them into a form of popular Go-
 “ vernment, that the *Macedonians*, being first surpriz'd with the Vir-
 “ tue of the *Romans*, began now to alter the scene of their Admirati-
 “ on, that a Stranger should do such things for them in their own
 “ Country, and with such facility, as they had never so much as once
 “ imagin'd to be possible. Nor was this all, for ÆMILIUS, as if not
 “ dictating to conquer'd Enemies, but to some well deserving Friends,
 “ gave them in the last place Laws so suitable, and contrived with such
 “ care and prudence, that long use and experience (the only Correctress
 “ of Works of this nature) could never find a fault in them.

“ IN this Example you have a Donation of Liberty, or of *Italian*
 “ Right, to a People that had not tasted of it before, but were now
 “ taught how to use it.

“ MY LORDS, The Royalists should compare what we are do-
 “ ing, and we what hitherto we have done for them, with this example.
 “ It is a shame that while we are boasting up our selves above all o-
 “ thers, we should yet be so far from imitating such examples as these,
 “ that we do not so much as understand that if Government be the Pa-
 “ rent of Manners, where there are no Heroic Virtues, there is no He-
 “ roic Government.

“ BUT the *Macedonians* rebelling, at the name of a false PHILIP,
 “ the third time against the *Romans*, were by them judg'd incapable
 “ of Liberty, and reduc'd by METELLUS to a Province.

“ NOW whereas it remains, that I explain the nature of a Province,
 “ I shall rather choose that of *Sicily*, because having been the first which
 “ the *Romans* made, the descriptions of the rest relate to it.

“ *WE have so receiv'd the Sicilian Cities into Amity, says Cicerō,*
 “ *that they enjoy their antient Laws; and upon no other condition than*
 “ *of the same obedience to the People of Rome, which they formerly*
 “ *yielded to their own Princes or Superiors. So the Sicilians, whereas*
 “ *they had been parcel'd out to divers Princes, and into divers States*
 “ *(the cause of perpetual Wars, whereby, hewing one another down,*
 “ *they became Sacrifices to the Ambition of their Neighbours, or of*
 “ *some Invader) were now receiv'd at the old rate into a new Protec-*
 “ *tion which could hold them, and in which no Enemy durst touch*
 “ *them; nor was it possible, as the case then stood, for the Sicilians*
 “ *to receive, or for the Romans to give more.*

“ *A ROMAN Province is defin'd by SIGONIUS, a Region hav-*
 “ *ing Provincial Right. Provincial Right in general was to be go-*
 “ *vern'd by a Roman Prætor; or Consul, in matters at least of State,*
 “ *and of the Militia: And by a Quæstor, whose Office it was to re-*
 “ *ceive the Public Revenue. Provincial Right in particular was dif-*
 “ *ferent, according to the different Leagues or Agreements between*
 “ *the Common-wealth, and the People reduc'd into a Province. Si-*
 “ *culi hoc jure sunt, ut quod civis cum cive agat, domi certet suis legi-*
 “ *bus; quod Siculus cum Siculo non ejusdem Civitatis, ut de eo Prætor*
 “ *Judices, ex P. Rupilii Decreto, sortiatur. Quod privatus a Populo*
 “ *petit, aut populus a privato, Senatus ex aliqua Civitate, qui judicet,*
 “ *datur, cui alternæ Civitates rejectæ sunt. Quod civis Romanus a Si-*
 “ *culo petit, Siculus Judex datur; quod Siculo a cive Romano, civis*
 “ *Romanus datur. Cæterarum rerum selecti Judices ex civium Roma-*
 “ *norum conventu proponi solent. Inter aratores & decumanos lege fru-*
 “ *mentaria, quam Hieronicam appellant, judicia fiunt. Because the*
 “ *rest would oblige me to a discourse too large for this place, it shall*
 “ *suffice that I have shew'd you how it was in Sicily.*

“ *MY LORDS, Upon the Fabric of your Provincial Orb I shall*
 “ *not hold you; because it is sufficiently describ'd in the Order, and I*
 “ *cannot believe that you think it inferior to the way of a Prætor and*
 “ *a Quæstor. But whereas the Provincial way of the Roman Common-*
 “ *wealth was that whereby it held the Empire of the World, and your*
 “ *Orbs are intended to be capable at least of the like use; there may*
 “ *arise many Controversies: As whether such a course be lawful; whe-*
 “ *ther it be feizible; and, seeing that the Romans were ruin'd upon*
 “ *that point, whether it would not be to the destruction of the Com-*
 “ *mon-wealth.*

“ *FOR the first, If the Empire of a Common-wealth be an occa-*
 “ *sion to ask whether it be lawful for a Common-wealth to aspire to*
 “ *the Empire of the World, it is to ask whether it be lawful for it to*
 “ *do its duty, or to put the World into a better condition than it was*
 “ *before.*

“ *AND to ask whether this be feizible, is to ask why the Oceaner*
 “ *being under the like administration of Government, may not do as*
 “ *much with two hundred men as the Roman did with one hundred;*
 “ *for comparing their Common-wealths in their rise, the difference is*
 “ *yet greater. Now that Rome (seris Avaritia Luxuriaque) thro' the na-*
 “ *tural thirst of her constitution, came at length with the fulness of her*
 “ *Provinces to burst her self, this is no otherwise to be understood, than*
 “ *as when a man that from his own evil Constitution had contracted*
 “ *the Dropsy, dies with drinking: It being apparent that in case her*
 “ *Agrarian*

“ Agrarian had held, she could never have been thus ruin’d ; and I
 “ have already demonstrated that your Agrarian being once pois’d,
 “ can never break or swerve.

“ WHEREFORE to draw towards some conclusion of this
 “ Discourse, let me inculcate the use, by selecting a few Considerations
 “ out of many. The regard had in this place to the Empire of the
 “ World appertains to a well-order’d Common-wealth, more espe-
 “ cially for two reasons.

“ 1. THE facility of this great Enterprize, by a Government of
 “ the Model propos’d.

“ 2. THE danger that you would run in the omission of such a
 “ Government.

“ THE facility of this Enterprize, upon the grounds already laid,
 “ must needs be great, inasmuch as the Empire of the World has
 “ been, both in Reason and Experience, the necessary consequence of
 “ a Common-wealth of this nature only : for tho’ it has been given to
 “ all kinds to drive at it, since that of *Athens* or *Lacedemon*, if the one
 “ had not hung in the others light, might have gain’d it ; yet could
 “ neither of them have held it : not *Athens*, thro’ the manner of her
 “ propagation, which, being by downright Tyranny, could not pre-
 “ serve what she had ; nor *Lacedemon*, because she was overthrown by
 “ the weight of a less Conquest. The facility then of this great En-
 “ terprize being peculiar to popular Government, I shall consider it,
 “ first, In gaining ; and secondly, In holding.

“ FOR the former, *Volenti non fit injuria* ; it is said of the Peo-
 “ ple under EUMENES, that they would not have chang’d their sub-
 “ jection for Liberty ; wherefore the *Romans* gave them no distur-
 “ bance. If a People be contented with their Government, it is a
 “ certain sign that it is good, and much good do them with it. The
 “ Sword of your Magistracy is for a terror to them that do evil.
 “ EUMENES had the fear of God, or of the *Romans* before his eyes ;
 “ concerning such he has given you no Commission.

“ BUT till we can say here are the *Romans*, where is EUMENES ?
 “ Do not think that the late *appearances of God* to you have been al-
 “ together for your selves ; *he has surely seen the Affliction* of your Bre-
 “ thren, *and heard their cry by reason of their Task-masters*. For to be-
 “ lieve otherwise, is not only to be mindless of his ways, but altoge-
 “ ther deaf. If you have ears to hear, this is the way in which you
 “ will certainly be call’d upon : For if, while there is no stock of Li-
 “ berty, no sanctuary of the afflicted, it be a common object to be-
 “ hold a People casting themselves out of the Pan of one Prince into
 “ the Fire of another ; what can you think, but if the World should
 “ see the *Roman* Eagle again, she would renew her age, and her flight ?
 “ Nor did ever she spread her Wings with better Omen, than will be
 “ read in your Ensigns ; which if, call’d in by an oppress’d People,
 “ they interpose between them and their Yoke, the People them-
 “ selves must either do nothing in the mean time, or have no more
 “ pains to take for their wish’d Fruit than to gather it, if that be not
 “ likewise done for them. Wherefore this must needs be easy, and
 “ yet you have a greater facility than is in the arm of flesh ; for if the
 “ Cause of Mankind be the Cause of God, the Lord of Hosts will be
 “ your Captain, and you shall be a Praise to the whole Earth.

“ THE

“ THE facility of holding is in the way of your Propagation ; if
 “ you take that of *Athens* and *Lacedemon*, you shall rain Snares ; but
 “ either catch, or hold nothing. Lying lips are an abomination to the
 “ Lord: If setting up for Liberty, you impose Yokes, he will infallibly
 “ destroy you. On the other side, to go about a work of this nature
 “ by a League without a Head, is to abdicate that Magistracy; where-
 “ with he has not only indu’d you, but whereof he will require an
 “ account of you: for, *curs’d is he that does the Work of the Lord neg-*
 “ *ligently*. Wherefore you are to take the course of *Rome*: if you have
 “ subdu’d a Nation that is capable of Liberty, you shall make them a
 “ present of it, as did FLAMINIUS to *Greece*, and ÆMILIUS to
 “ *Macedon*, reserving to your selves some part of that Revenue which
 “ was legally paid to the former Government, together with the
 “ right of being Head of the League, which includes such Levies of
 “ Men and Money as shall be necessary for the carrying on of the Pub-
 “ lic Work. For if a People have by your means attain’d to freedom,
 “ they owe both to the Cause and you, such aid as may propagate the
 “ like Fruit to the rest of the World. But whereas every Nation is
 “ not capable of her Liberty to this degree, lest you be put to doing
 “ and undoing of things, as the *Romans* were in *Macedon*, you shall
 “ diligently observe what Nation is fit for her Liberty to this degree,
 “ and what not: Which is to be done by two marks, the first if she be
 “ willing to *help the Lord against the Mighty*; for if she has no care of
 “ the Liberty of Mankind, she deserves not her own. But because
 “ in this you may be deceiv’d by Pretences, which, continuing for a
 “ while specious, may afterwards vanish; the other is more certain,
 “ and that is if she be capable of an equal Agrarian; which that it
 “ was not observ’d by excellent ÆMILIUS in his donation of Liber-
 “ ty, and introduction of a Popular State among the *Macedonians*,
 “ I am more than mov’d to believe for two reasons: the first, because
 “ at the same time the Agrarian was odious to the Roman *Patricians*;
 “ the second, that the PSEUDO-PHILIP could afterwards so easily
 “ recover *Macedon*, which could not have happen’d but by the Nobi-
 “ lity, and their impatience, having great Estates, to be equal’d with
 “ the People; for that the People should otherwise, at the mere sound
 “ of a Name, have thrown away their Liberty, is incredible. Where-
 “ fore be assur’d, that the Nation where you cannot establish an equal
 “ Agrarian, is incapable of its Liberty as to this kind of Donation.
 “ For example, except the Aristocracy in *Marpesia* be dissolv’d, nei-
 “ ther can that People have their Liberty there, nor you govern at
 “ home; for they continuing still liable to be sold by their Lords to fo-
 “ reign Princes, there will never (especially in a Country of which there
 “ is no other profit to be made) be want of such Merchants and Dro-
 “ vers, while you must be the Market where they are to receive their
 “ second Payment.

“ NOR can the Aristocracy there be dissolv’d but by your means,
 “ in relation whereto you are provided with your Provincial Orb;
 “ which being proportion’d to the measure of the Nation that you
 “ have vindicated or conquer’d, will easily hold it: for there is not a
 “ People in the World more difficult to be held than the *Marpesians*,
 “ which tho’ by themselves it be ascrib’d to their own nature, is truly
 “ to be attributed to that of their Country. Nevertheless you hav-
 “ ing nine thousand men upon the continual guard of it, that, threa-

“ ten’d by any sudden insurrection, have places of retreat; and an
 “ Army of forty thousand men upon a days warning ready to march
 “ to their rescue; it is not to be rationally shewn which way they can
 “ possibly slip out of your hands. And if a man shall think that up-
 “ on a Province more remote, and divided by the Sea, you have not
 “ the like hold, he has not so well consider’d your Wings as your
 “ Talons, your shipping being of such a nature, as makes the descent
 “ of your Armies almost of equal facility in any Country: so that
 “ what you take, you hold, both because your Militia, being already
 “ populous, will be of great growth in it self; and also thro’ your
 “ Confederates, by whom in taking and holding you are still more in-
 “ abled to do both.

* This by the
 pay of a Par-
 liamentary Ar-
 my, is demon-
 strated in the
 Corollary.

“ N O R shall you easilier hold, than the People under your Em-
 “ pire or Patronage may be held. My Lords, I would not go to the
 “ door to see whether it be close shut; this is no underhand dealing,
 “ nor a game at which he shall have any advantage against you who
 “ sees your Cards, but on the contrary the Advantage shall be your
 “ own: for with eighteen thousand men (which number I put, be-
 “ cause it circulates your Orb by the annual change of six thousand)
 “ having establish’d your matters in the order shewn, you will be able
 “ to hold the greatest Province; and eighteen thousand men, allow-
 “ ing them greater pay than any Prince ever gave, will not stand
 “ the Province in one million Revenue; * in consideration whereof,
 “ they shall have their own Estates free to themselves, and be govern’d
 “ by their own Laws and Magistrates; which, if the Revenue of the
 “ Province be in dry Rent (as there may be some that are four times
 “ as big as *Oceana*) forty millions, will bring it with that of Indu-
 “ stry, to speak with the least, to twice the value: So that the Peo-
 “ ple there, who at this day are so oppress’d that they have nothing at
 “ all whereon to live, shall for one Million paid to you, receive at
 “ least seventy nine to their proper use: in which place I appeal to any
 “ man, whether the Empire describ’d can be other than the Patronage
 “ of the World.

Psal. 110. 3.

“ N O W if you add to the propagation of Civil Liberty (so na-
 “ tural to this Common-wealth that it cannot be omitted) the propa-
 “ gation of the Liberty of Conscience, this Empire, this Patronage of
 “ the World is the Kingdom of Christ: For as the Kingdom of God
 “ the Father was a Common-wealth, so shall be the Kingdom of God
 “ the Son; *The People shall be willing in the day of his Power.*

“ H A V I N G shew’d you in this and other places, some of those
 “ inestimable Benefits of this kind of Government, together with the
 “ natural and facile Emanation of them from their Fountain, I come
 “ (lest God, who has appear’d to you, for he is the God of Nature,
 “ in the glorious Constellation of these subordinate Causes, whereof we
 “ have hitherto been taking the true Elevation, should shake off the
 “ dust of his Feet against you) to warn you of the Dangers, which
 “ you, not taking the opportunity, will incur by omission.

“ *MACHIAVEL* speaking of the defect of *Venice*, thro’ her
 “ want of proper Arms, cries out, † *This cut her Wings, and spoil’d her*
 “ *mount to Heaven.* If you lay your Common-wealth upon any other

† Questo tagliogli le gambe da montar in cielo.

“ Foundation than the People, you frustrate your self of proper Arms,
 “ and so lose the Empire of the World; nor is this all, but some other
 “ Nation will have it.

“ *COLUMBUS* offer'd Gold to one of your Kings, thro' whose
 “ happy incredulity another Prince has drunk the Poison, even to the
 “ consumption of his People; but I do not offer you a Nerve of War
 “ that is made of Purse-strings, such a one as has drawn the face of the
 “ Earth into Convulsions, but such as is natural to her Health and
 “ Beauty. Look you to it, where there is tumbling and tossing up-
 “ on the bed of sickness, it must end in death or recovery. Tho' the
 “ People of the World, in the dregs of the *Gothic* Empire, be yet
 “ tumbling and tossing upon the bed of sickness, they cannot die;
 “ nor is there any means of recovery for them but by antient pru-
 “ dence, whence of necessity it must come to pass, that this Drug be
 “ better known. If *France*, *Italy*, and *Spain*, were not all sick, all
 “ corrupted together, there would be none of them so; for the sick
 “ would not be able to withstand the sound, nor the sound to preserve
 “ their health without curing of the sick. The first of these Nations
 “ (which, if you stay her leisure, will in my mind be *France*) that
 “ recovers the health of antient Prudence, shall certainly govern the
 “ World; for what did *Italy* when she had it? And as you were in
 “ that, so shall you in the like case be reduc'd to a Province; I do
 “ not speak at random. *Italy*, in the Consulship of *LUCIUS ÆMI-*
 “ *LIUS PAPUS*, and *CAIUS ATILIUS REGULUS*, arm'd upon the
 “ *Gallic* Tumult that then happen'd of her self, and without the Aid
 “ of foreign Auxiliaries, seventy thousand Horse, and seven hundred
 “ thousand Foot: But as *Italy* is the least of those three Countries in
 “ extent, so is *France* now the most populous.

I, decus, I, nostrum, melioribus utere fatis.

“ *MY dear Lords, Oceana is as the Rose of Sharon, and the Lilly of*
 “ *the Valley. As the Lilly among Thorns, such is my Love among the*
 “ *Daughters. She is comely as the Tents of Kedar, and terrible as an*
 “ *Army with Banners. Her Neck is as the Tower of David, builded*
 “ *for an Armory, whereon there hang a thousand Bucklers and Shields*
 “ *of mighty Men. Let me hear thy Voice in the morning, whom my*
 “ *Soul loves. The South has drop'd, and the West is breathing upon thy*
 “ *Garden of Spices. Arise, Queen of the Earth, Arise, holy Spouse of*
 “ *Jesus; for lo the Winter is past, the Rain is over and gone; the*
 “ *Flowers appear on the Earth, the time for the singing of Birds is*
 “ *come, and the Voice of the Turtle is heard in our Land. Arise, I say,*
 “ *come forth, and do not tarry: Ah! wherefore should my eyes behold*
 “ *thee by the Rivers of Babylon, hanging thy Harps upon the Willows,*
 “ *thou fairest among Women?*

“ *EXCELLENT PATRIOTS*; If the People be Sove-
 “ reign, here is that which establishes their Prerogative: If we be sin-
 “ cere, here is that which disburdens our Souls, and makes good all
 “ our Engagements: If we be charitable, here is that which embraces
 “ all Parties: If we would be settl'd, here is that which will stand,
 “ and last for ever.

“ IF our Religion be any thing else but a vain boast, scratching and
 “ defacing human Nature or Reason, which, being the Image of
 “ God,

Amos 5. 24. " God, makes it a kind of Murder; here is that Empire whence Justice shall run down like a River, and Judgment like a mighty Stream.
 " Who is it then that calls us? or what is in our way? a Lion! is it
 " not the Dragon that old Serpent? for what wretched shifts are these?
 " Here is a great deal, might we not have some of this at one time,
 " and some at another?

" MY LORDS, permit me to give you the Sum, or brief EPITOME of the whole COMMON-WEALTH.

THE Center or Fundamental Laws are, first, the Agrarian, proportion'd at two thousand Pounds a Year in Land, lying and being within the proper Territory of *Oceana*, and stating Property in Land at such a balance, that the Power can never swerve out of the hands of the Many.

SECONDLY, The Ballot conveying this equal Sap from the Root, by an equal Election or Rotation, into the Branches of Magistracy or Sovereign Power.

THE Orbs of this Common-wealth being Civil, Military or Provincial, are, as it were, cast upon this Mold or Center by the Divisions of the People; First into Citizens and Servants: Secondly, into Youth and Elders: Thirdly, into such as have one hundred Pounds a year in Lands, Goods or Monies, who are of the Horse; and such as have under, who are of the Foot: Fourthly, they are divided by their usual residence, into Parishes, Hundreds, and Tribes.

THE Civil Orbs consist of the Elders, and are thus created; every Monday next ensuing the last of *December*, the Elders in every Parish elect the fifth man to be a Deputy; which is but half a days work: every Monday next ensuing the last of *January*, the Deputies meet at their respective Hundred, and elect out of their number one Justice of the Peace, one Jurymen, one Coroner, and one High Constable of the Foot; one days work.

EVERY Monday next ensuing the last of *February*, the Hundreds meet at their respective Tribe, and there elect the Lords High Sheriff, Lieutenant, *Custos Rotulorum*, the Conductor, the two Censors out of the Horse, the Magistrates of the Tribe and of the Hundreds, with the Jurymen constituting the Phylarch, and who assist in their respective Offices at the Assizes, hold the Quarter Sessions, &c. The day following the Tribe elects the annual Galaxy, consisting of two Knights, and three Deputies out of the Horse, with four Deputies out of the Foot, thereby endu'd with Power, as Magistrates of the whole Nation, for the term of three years. An Officer chosen at the Hundred may not be elected a Magistrate of the Tribe; but a Magistrate or Officer either of the Hundred or of the Tribe, being elected into the Galaxy, may substitute any one of his own Order to his Magistracy or Office in the Hundred, or in the Tribe. This of the Muster is two days work. So the body of the People is annually, at the charge of three days work and a half, in their own Tribes, for the perpetuation of their Power, receiving over and above the Magistracies so divided among them.

EVERY Monday next ensuing the last of *March*, the Knights, being a Hundred in all the Tribes, take their places in the Senate; the Knights, having

having taken their places in the Senate, make the third Region of the same; and the House proceeds to the Senatorian Elections. Senatorian Elections are annual, biennial, or emergent.

THE annual are perform'd by the Tropic.

THE Tropic is a Schedule consisting of two parts; the first by which the Senatorian Magistrates are elected; and the second, by which the Senatorian Councils are perpetuated.

THE first part is of this Tenor.

THE Lord Strategus,	} Annual Magistrates, and therefore such as may be elected out of any Region; the term of every Region having at the Tropic one year at the least unexpir'd.
THE Lord Orator,	
THE first Cenfor,	
THE second Cenfor,	

THE third Commis-	} Triennial Magistrates, and therefore such as can be chosen out of the third Region only, as that alone which has the term of three years unexpir'd.
tioner of the Seal,	
THE third Commis-	
tioner of the Treasury.	

THE Strategus and the Orator sitting, are Consuls, or Presidents of the Senate.

THE Strategus marching is General of the Army, in which case a new Strategus is elected to sit in his room.

THE Strategus sitting with the six Commissioners, being Counsellors of the Nation, are the Signory of the Common-wealth.

THE Cenfors are Magistrates of the Ballot, Presidents of the Council for Religion, and Chancellors of the Universities.

THE second part of the Tropic perpetuates the Council of State, by the election of five Knights out of the first Region of the Senate, to be the first Region of that Council consisting of fifteen Knights, five in every Region.

THE like is done by the election of four into the Council of Religion and four into the Council of Trade, out of the same Region in the Senate; each of these Councils consisting of twelve Knights, four in every Region.

BUT the Council of War consisting of nine Knights, there in every Region, is elected by and out of the Council of State, as the other Councils are elected by and out of the Senate. And if the Senate add a Junctæ of nine Knights more, elected out of their own number, for the term of three months, the Council of War, by virtue of that addition, is Dictator of *Oceana* for the said term.

THE Signory jointly or severally has right of Session and Suffrage in every Senatorian Council, and to propose either to the Senate, or any of them. And every Region in a Council electing one weekly Provost, any two of those Provosts have Power also to propose to their respective Council, as the proper and peculiar Proposers of the same: for which cause they hold an Academy, where any man either by word of mouth, or writing, may propose to the Proposers.

NEXT to the Elections of the Tropic is the biennial Election of one Ambassador in ordinary, by the Ballot of the House, to the Residence of *France*; at which time the Resident of *France* removes to *Spain*, he of *Spain* to *Venice*, he of *Venice* to *Constantinople*, and he of *Constantinople* returns. So the Orb of the Residents is wheel'd about in eight years, by the biennial Election of one Ambassador in Ordinary.

THE last kind of Election is emergent. Emergent Elections are made by the Scrutiny. Election by Scrutiny is when a Competitor being made by a Council, and brought into the Senate, the Senate chooses four more Competitors to him; and putting all five to the Ballot, he who has most above half the Suffrages, is the Magistrate. The Pole-marches or Field Officers are chosen by the Scrutiny of the Council of War; an Ambassador Extraordinary by the Scrutiny of the Council of State; the Judges and Serjeants at Law by the Scrutiny of the Seal; and the Barons and prime Officers of the Exchequer, by the Scrutiny of the Treasury.

THE Opinion or Opinions that are legitimately propos'd to any Council must be debated by the same, and so many as are resolv'd upon the Debate are introduc'd into the Senate, were they are debated and resolv'd, or rejected by the whole House: that which is resolv'd by the Senate is a Decree, which is good in matters of State, but no Law except it be propos'd to, and resolv'd by the Prerogative.

THE Deputies of the Galaxy being three Horse and four Foot in a Tribe, amount in all the Tribes to one hundred and fifty Horse, and two hundred Foot; which, having enter'd the Prerogative, and chosen their Captains, Cornet and Ensign (triennial Officers) make the third Classis, consisting of one Troop, and one Company; and so joining with the whole Prerogative, elect four annual Magistrates, call'd Tribunes, whereof two are of the Horse, and two of the Foot. These have the Command of the Prerogative Sessions, and Suffrage in the Council of War, and Sessions without Suffrage in the Senate.

THE Senate having past a Decree which they would propose to the People, cause it to be printed and publish'd, or promulgated for the space of six weeks; which being order'd, they choose their Proposers. The Proposers must be Magistrates, that is, the Commissioners of the Seal, those of the Treasury, or the Censors. These being chosen, desire the Muster of the Tribunes, and appoint the day. The People being assembl'd at the day appointed, and the Decree propos'd, that which is propos'd, by authority of the Senate, and commanded by the People, is the Law of *Oceana*, or an Act of Parliament.

SO the Parliament of *Oceana* consists of the Senate proposing, and the People resolving.

THE People or Prerogative are also the Supreme Judicatory of this Nation, having Power of hearing and determining all Causes of Appeal from all Magistrates, or Courts Provincial, or Domestic; as also to question any Magistrate, the term of his Magistracy being expir'd, if the Case be introduc'd by the Tribunes, or any one of them.

THE Military Orbs consist of the Youth, that is, such as are from eighteen to thirty years of Age; and are created in the following manner.

EVERY Wednesday next ensuing the last of *December*, the Youth of every Parish assembling, elect the fifth of their number to be their Deputies; the Deputies of the Youth are call'd Stratiots, and this is the first Essay.

EVERY Wednesday next ensuing the last of *January*, the Stratiots assembled at the Hundred, elect their Captain and their Ensign, and fall to their Games and Sports.

EVERY Wednesday next ensuing the last of *February*, the Stratiots are receiv'd by the Lord Lieutenant their Commander in Chief, with the Conductors and the Censors; and, having been disciplin'd and entertain'd with other Games, are call'd to the Urns, where they elect the second Essay consisting of two hundred Horse and six hundred Foot in a Tribe; that is,
of

of ten thousand Horfe, and thirty thoufand Foot in all the Tribes, which is the Standing Army of this Nation, to march at any warning. They alfo elect at the fame time a part of the third Effay, by the mixture of Balls mark'd with the letter *M*, and the letter *P*, for *Marpefia* and *Panopea*; they of either mark being ten Horfe and fifty Foot in a Tribe, that is, five hundred Horfe and two thoufand five hundred Foot in all the Tribes, which are forthwith to march to their refpective Provincs.

BUT the third Effay of this Nation more properly fo call'd, is when the Strategus with the Polemarchs (the Senate and the People, or the Dictator having decreed a War) receive in return of his Warrants the fecond Effay from the hands of the Conductors at the Rendevouz of *Oceana*; which Army marching with all Accommodations provided by the Council of War, the Senate elects a new Strategus, and the Lords Lieutenants a new fecond Effay.

A YOUTH, except he be an only Son, refufing any one of his three Effays, without fufficient caufe fhewn to the Phylarch or the Cenfors, is incapable of Magistracy, and is fin'd a fifth part of his yearly Rent, or of his Eftate, for Protection. In cafe of Invaſion the Elders are oblig'd to like duty with the Youth, and upon their own charge.

THE Provincial Orb confifting in part of the Elders, and in part of the Youth, is thus created.

FOUR Knights out of the firſt Region falling, are elected in the Senate to be the firſt Region of the Provincial Orb of *Marpefia*; theſe being triennial Magiſtrates take their places in the Provincial Council, confifting of twelve Knights, four in every Region, each Region chooſing their weekly Provoſts of the Council thus conſtituted. One Knight more choſen out of the ſame Region in the Senate, being an annual Magiſtrate, is Prefident, with Power to propoſe; and the Opinions propos'd by the Prefident, or any two of the Provoſts, are debated by the Council, and, if there be occaſion of farther Power or Inſtruction than they yet have tranſmitted to the Council of State, with which the Provincial is to hold Intelligence.

THE Prefident of this Council is alſo Strategus, or General of the Provincial Army; wherefore the Conductors upon notice of his Election, and appointment of his Rendevouz, deliver to him the Stratots of his Letter, which he takes with him into his Province: and the Provincial Army having receiv'd the new Strategus with the third Claſſis, the Council diſmiſſes the old Strategus with the firſt Claſſis. The like is done for *Panopea*, or any other Province.

BUT whereas the term of every other Magistracy or Election in this Common-wealth, whether annual or triennial, requires an equal Vacation, the term of a Provincial Counſellor or Magiſtrate requires no Vacation at all. The *Quorum* of a Provincial, as alſo that of every other Council and Aſſembly, requires two thirds in a time of health, and one third in a time of ſickneſs.

“ I THINK I have omitted nothing but the Props and Scaffolds,
 “ which are not of uſe but in building. And how much is here?
 “ Shew me another Common-wealth in this compaſs? How many
 “ things? Shew me another entire Government confifting but of thirty
 “ Orders. If you now go to Law with any body, there lie to ſome
 “ of our Courts two hundred Original Writs: If you ſtir your hand,
 “ there go more Nerves and Bones to that motion: If you play, you
 “ have more Cards in the pack; nay you could not fit with your
 “ eaſe

“ ease in that Chair, if it consisted not of more parts. Will you not
 “ then allow to your Legislator, what you can afford your Uphold-
 “ ster; or to the Throne, what is necessary to a Chair?

“ MY LORDS, If you will have fewer Orders in a Common-
 “ wealth, you will have more; for where she is not perfect at first,
 “ every day, every hour will produce a new Order, the end whereof
 “ is to have no Order at all, but to grind with the clack of some De-
 “ magog. Is he providing already for his golden Thumb? Lift up
 “ your heads; Away with Ambition, that fulsome complexion of a
 “ Statesman, temper'd like SYLLA's, with blood and muck. *And the*
 “ *Lord give to his Senators Wisdom; and make our faces to shine, that*
 “ *we may be a Light to them that sit in darkness and the shadow of death,*
 “ *to guide their feet in the way of Peace.*——In the name of God,
 “ what's the matter!——

PHILADELPHUS the Secretary of the Council having per-
 form'd his task in reading the several Orders as you have seen, upon the
 receipt of a Packet from his Correspondent BOCCALINI, Secretary of
Parnassus, in reading one of the Letters, burst forth into such a vio-
 lent passion of weeping and downright howling, that the Legislators
 being startled with the apprehension of some horrid news; one of them
 had no sooner snatch'd the Letter out of his hand, than the rest cry-
 ing, Read, Read, he obey'd in this manner.

Trojano Boc-
 calini, Centu-
 ria I. Raggual.
 21.

THE 3d instant his *Phœbean* Majesty having taken the nature of
 FreeStates into his Royal consideration, and being steadily perswaded that
 the Laws in such Governments are incomparably better and more surely
 directed to the good of Mankind than in any other; that the Courage
 of such a People is the aptest tinder to noble fire; that the Genius of such
 a Soil is that wherein the roots of good Literature are least worm-eaten
 with Pedantism, and where their Fruits have ever come to the greatest
 maturity and highest relish; conceiv'd such a loathing of their Ambition
 and Tyranny, who, usurping the liberty of their native Countries, become
 slaves to themselves, inasmuch as (be it never so contrary to their own Na-
 ture or Consciences) they have taken the earnest of Sin, and are engag'd
 to persecute all Men that are good with the same or greater rigour than
 is ordain'd by Laws for the wicked: For * *none ever administer'd that*
Power by good, which he purchas'd by ill Arts: PHOEBUS, I say, hav-
 ing consider'd this, assembl'd all the Senators residing in the learned
 Court at the Theatre of MELPOMENE, where he caus'd CÆSAR the
 Dictator to come upon the stage, and his Sister ACTIA, his Nephew
 AUGUSTUS, JULIA his Daughter, with the Children which she had by
 MARCUS AGRIPPA, LUCIUS and CAIUS CÆSARS, AGRIPPA POST-
 HUMUS, JULIA, and AGRIPPINA, with the numerous Progeny
 which she bore to her renown'd Husband GERMANICUS, to enter. A
 miserable Scene in any, but most deplorable in the eyes of CÆSAR, thus
 beholding what havock his prodigious Ambition, not satisfy'd with his own
 bloody Ghost, had made upon his more innocent Remains, even to the total
 extinction of his Family. For it is (seeing where there is any humanity,
 there must be some compassion) not to be spoken without tears, that of the

* Nemo unquam imperium flagitio quæsitum bonis artibus exercuit.

full branches deriving from OCTAVIA the elder Sister, and JULIA the Daughter of AUGUSTUS, there should not be one fruit or blossom that was not cut off or blasted by the Sword, Famine, or Poison. Now might the great Soul of CÆSAR have been full; and yet that which pour'd in as much or more, was to behold that execrable race of the CLAUDII, having hunted and suck'd his Blood with the thirst of Tigers, to be rewarded with the *Roman* Empire, and remain in full possession of that famous Patrimony: a Spectacle to pollute the Light of Heaven! Nevertheless as if CÆSAR had not yet enough, his *Phæbean* Majesty caus'd to be introduc'd on the other side of the Theatre, the most illustrious and happy Prince ANDREA DORIA, with his dear Posterity, imbrac'd by the soft and constant arms of the City of *Genoa*, into whose bosom, ever fruitful in her gratitude, he had dropt her fair LIBERTY like the dew of Heaven; which when the *Roman* Tyrant beheld, and how much more fresh that Laurel was worn with a firm root in the Hearts of the People, than that which he had torn off, he fell into such a horrid distortion of limbs and countenance, that the Senators who had thought themselves steel and flint at such an object, having hitherto stood in their reverend snow-like thawing Alps, now cover'd their faces with their large sleeves.

"MY Lords, said the ARCHON rising, witty PHILADELPHUS
 "has given us a grave admonition in a dreadful Tragedy. *Discite*
 "*justitiam moniti, & non temnere Divos.* Great and glorious Cæsar,
 "the highest character of flesh, yet could not rule but by that part
 "of Man which is the beast: but a Common-wealth is a Monarchy;
 "to her God is King, in as much as Reason, his dictate, is her Sove-
 "reign Power.

WHICH said, he adjourn'd the Council. And the Model was soon after promulgated. *Quod bonum, fœlix, faustumque sit huic Reipublicæ. Agite Quirites, censuere Patres, jubeat Populus: The Sea* roar'd, and the Floods clapt their hands.

LIBERTAS.

The Proclamation of his Highness the Lord ARCHON of
 OCEANA upon Promulgation of the Model.

WHEREAS his Highness and the Council, in the framing of the Model promulgated, have had not any private interest, or ambition, but the fear of God, and the good of this People before their eyes; and it remains their desire that this great Work may be carry'd on accordingly: This present greeting is to inform the good People of this Land, that as the Council of Prytans sat during the framing of the Model, to receive from time to time such Propositions as should be offer'd by any wise-hearted or public spirited man, towards the Institution of a well order'd Common-wealth, so the said Council is to sit as formerly in the great Hall of the Pantheon during Promulgation (which is to continue for the space of three months)

See the course
 of the Decem-
 virs in the pro-
 mulgation of
 the first ten of
 their twelve
 Tables in
 LIVY.

H h h

to

to receive, weigh, and, as there shall be occasion, transmit to the Council of Legislators, all such Objections as shall be made against the said Model, whether in the whole, or in any part. Wherefore, that nothing be done rashly, or without consent of the People, such, of what party soever, with whom there may remain any doubts or difficulties, are desir'd with all convenient speed to address themselves to the said Prytans; where, if such objections, doubts, or difficulties receive solution to the satisfaction of the Auditory, they shall have public thanks: but if the said objections, doubts or difficulties, receive no solution to the satisfaction of the Auditory, then the Model promulgated shall be review'd, and the party that was the occasion of the review, shall receive public thanks, together with the best Horse in his Highness's Stable, and be one of the Council of Legislators. And so God have you in his keeping.

I SHOULD now write the same Council of the *Prytans*, but for two reasons; the one, that having but a small time for that which is already done, I am over-labour'd; the other, that there may be new Objections. Wherefore if my Reader has any such as to the Model, I intreat him to address himself by way of Oration, as it were, to the *Prytans*, that when this rough draught comes to be a work, his Speech being faithfully inserted in this place, may give, or receive correction to amendment: For what is written will be weigh'd. But Conversation, in these days, is a game, at which they are best provided that have light Gold: It is like the sport of Women that make Flowers of straws, which must be stuck up, but may not be touch'd. Nor, which is worse, is this the fault of Conversation only: But to the Examiner, I say, *If to invent method, and to teach an art, be all one*, let him shew that this method is not truly invented, or this Art is faithfully taught.

Arist. Rhet.

I CANNOT conclude a Circle (and such is this Commonwealth) without turning the end into the beginning. The time of Promulgation being expir'd, the Surveyors were sent down, who having in due season made report that their work was perfect, the Orators follow'd; under the administration of which Officers and Magistrates the Commonwealth was ratify'd and establish'd by the whole body of the People, in their * Parochial, Hundred, and County Assemblies. And the Orators being, by virtue of their Scrolls or Lots, Members of their respective Tribes, were elected each the first Knight of the third List, or Galaxy: wherefore having at their return assisted the ARCHON in putting the Senate, and the People or Prerogative into motion, they abdicated the Magistracy both of Orators and Legislators.

* Curiatis, Centuriatis, & Tributis Comitibus.

The COROLLARY.

FOR the rest (says PLUTARCH, closing up the story of LYCURGUS) when he saw that his Government had taken root, and was in the very Plantation strong enough to stand by it self, he conceiv'd such a delight within him, as GOD is describ'd by PLATO to have done when he had finish'd the Creation of the World, and saw his own Orbs move below him: For in the Art of Man (being the imitation of Nature, which is the * Art of GOD) there is nothing so like the first call of beautiful Order out of Chaos and Confusion, as the Architecture of a well-order'd Common-wealth. Wherefore LYCURGUS seeing in effect, that his Orders were good, fell into deep Contemplation how he might render them, so far as could be effected by human Providence, unalterable and immortal. To which end he assembl'd the People, and remonstrated to them, That for ought he could perceive, their Policy was already such, and so well establish'd, as was sufficient to intail upon them and theirs all that Virtue and Felicity whereof human Life is capable: Nevertheless that there being another thing of greater concern than all the rest, whereof he was not yet provided to give them a perfect account, nor could, till he had consulted the Oracle of APOLLO, he desir'd that they would observe his Laws without any change or alteration whatsoever, till his return from *Delphos*; to which all the People chearfully and unanimously engag'd themselves by promise, desiring him that he would make as much haste as he could. But LYCURGUS before he went, began with the Kings and the Senators, and thence taking the whole People in order, made them all swear to that which they had promis'd, and then took his Journey. Being arrived at *Delphos*, he sacrific'd to APOLLO, and afterwards enquir'd if the Policy which he had establish'd, was good and sufficient for a virtuous and a happy Life? By the way, it has been a Maxim with Legislators not to give checks to the present Superstition, but to make the best use of it, as that which is always the most powerful with the People; otherwise tho' PLUTARCH being a Priest, was interested in the cause, there is nothing plainer than CICERO in his Book *De Divinatione* has made it, that there was never any such thing as an Oracle, except in the cunning of the Priests. But to be civil to the Author, The God answer'd to LYCURGUS, that his Policy was exquisite, and that his City, holding to the strict observation of his form of Government, should attain to the height of fame and glory. Which Oracle LYCURGUS causing to be written, fail'd not of transmitting to his *Lacedemon*. This done, that his Citizens might be for ever inviolably bound by their Oath, that they would alter nothing till his return, he took so firm a resolution to die in the place, that from thenceforward receiving no manner of Food, he soon after perform'd it accordingly. Nor was he deceiv'd in the consequence; for his City became the first in glory and excellency of Government in the whole World. And so much for LYCURGUS according to PLUTARCH.

* Hobbs.

*Never Ingrati-
sude, but too
much Love,
the constant
fault of the
People.*

MY Lord ARCHON when he beheld not only the rapture of motion, but of joy and harmony, into which his Spheres (without any manner of obstruction or interfering, but as if it had been naturally) were cast, conceiv'd not less of exultation in his Spirit; but saw no more necessity or reason why he should administer an Oath to the Senate and the People that they would observe his Institutions, than to a Man in perfect health and felicity of Constitution, that he would not kill himself. Nevertheless whereas Christianity, tho' it forbids violent hands, consists no less in self-denial than any other Religion, he resolv'd that all unreasonable Desires should die upon the spot; to which end that no manner of food might be left to Ambition, he enter'd into the Senate with a unanimous Applause, and having spoken of his Government as LYCURGUS did when he assembl'd the People, he abdicated the Magistracy of ARCHON. The Senate, as struck with astonishment, continu'd silent; Men upon so sudden an Accident being altogether unprovided of what to say; till the ARCHON withdrawing, and being almost at the door, divers of the Knights flew from their Places, offering as it were to lay violent hands on him, while he escaping left the Senate with the tears in their Eyes like Children that had lost their Father; and to rid himself of all farther importunity, retir'd to a Country House of his, being remote, and very private, in so much that no man could tell for some time what was become of him. Thus the Law-maker happen'd to be the first object and reflection of the Law made: For as Liberty of all things is the most welcome to a People, so is there nothing more abhorrent from their nature than Ingratitude. We, accusing the *Roman* People of this Crime against some of their greatest Benefactors, as CAMILLUS, heap mistake upon mistake; for being not so competent Judges of what belongs to Liberty as they were, we take upon us to be more competent Judges of Virtue. And whereas Virtue, for being a vulgar thing among them, was of no less rate than Jewels are with such as wear the most; we are selling this precious Stone, which we have ignorantly rak'd out of the *Roman* ruins, at such a rate as the *Switzers* did that which they took in the Baggage of CHARLES of *Burgundy*. For that CAMILLUS had stood more firm against the ruin of *Rome* than her Capitol, was acknowledg'd; but on the other side that he stood as firm for the *Patricians* against the Liberty of the People, was as plain: wherefore he never wanted those of the People that would die at his foot in the Field, nor that would withstand him to his beard in the City. An example in which they that think CAMILLUS had wrong, neither do themselves right, nor the People of *Rome*; who in this signify no less than that they had a scorn of Slavery beyond the fear of Ruin, which is the height of Magnanimity. The like might be shewn by other examples objected against this, and other Popular Governments, as in the Banishment of ARISTIDES the *Just* from *Athens*, by the Ostracism, which, first, was no punishment, nor ever understood for so much as a disparagement; but tended only to the Security of the Common-wealth, thro' the removal of a Citizen (whose Riches or Power with a Party was suspected) out of harms way for the space of ten years, neither to the diminution of his Estate or Honour. And next, tho' the virtue of ARISTIDES might in it self be unquestion'd, yet for him under the name of the *Just* to become Universal Umpire of the People in all cases, even to the neglect of the legal

legal ways and orders of the Common-wealth, approach'd so much to the Prince, that the *Athenians*, doing ARISTIDES no wrong, did their Government no more than right in removing him; which therefore is not so probable to have come to pass, as PLUTARCH presumes, thro' the envy of THEMISTOCLES, seeing ARISTIDES was far more popular than THEMISTOCLES, who soon after took the same walk upon a worse occasion. Wherefore as MACHIAVEL for any thing since alledg'd, has irrefragably prov'd that Popular Governments are of all others the least ingrateful; so the obscurity, I say, into which my Lord ARCHON had now withdrawn himself, caus'd a universal sadness and cloud in the minds of Men upon the glory of his rising Common-wealth.

MUCH had been ventilated in private discourse, and the People (for the Nation was yet divided into Parties that had not lost their animosities) being troubled, bent their eyes upon the Senate, when, after some time spent in devotion, and the solemn action of Thanksgiving, his Excellency NAVARCHUS DE PARALO in the Tribe of *Dorean*, Lord *Strategus* of *Oceana* (tho' in a new Common-wealth a very prudent Magistrate) propos'd his part or opinion in a such manner to the Council of State, that passing the Ballot of the same with great unanimity and applause, it was introduc'd into the Senate, where it pass'd with greater. Wherefore the Decree being forthwith printed and publish'd, Copies were return'd by the Secretaries to the *Phylarchs* (which is the manner of Promulgation) and the Commissioners of the Seal, that is to say, the Right Honourable PHOSPHORUS DE AUGÉ in the Tribe of *Eudia*, DOLABELIA D' ENYO in the Tribe of *Turmae*, and LINCEUS DE STEILA in the Tribe of *Nubia*, being elected Proposers *pro tempore*, bespoke of the Tribunes a Muster of the People to be held that day fix weeks, which was the time allow'd for Promulgation at the *Halo*.

THE Satisfaction which the People throughout the Tribes receiv'd upon promulgation of the Decree, loaded the Carriers with weekly Letters beetween Friend and Friend, whether Magistrates or private Persons. But the day for Proposition being come, and the Prerogative upon the Place appointed in Discipline, SANGUINE DE RINGWOOD in the Tribe of *Saltum*, Captain of the *Phœnix*, march'd by order of the Tribunes with his Troop to the Piazza of the *Pantheon*, where his Trumpets entering into the great Hall by their Blazon gave notice of his Arrival; at which the Serjeant of the House came down, and returning inform'd the Proposers, who descending were receiv'd at the foot of the Stairs by the Captain, and attended to the Coaches of State, with which CALCAR DE GILVO in the Tribe of *Phalera* Master of the Horse, and the Ballotins upon their great Horses, stood waiting at the Gate.

THE Proposers being in their Coaches, the Train for the Pomp, the same that is us'd at the reception of Embassadors, proceded in this order: In the Front march'd the Troop with the Cornet in the Van, and the Captain in the Rear: next the Troop came the twenty Messengers or Trumpets; the Ballotins upon the Curvet with their Usher in the Van, and the Master of the Horse in the Rear: Next the Ballotins, BRONCUS DE RAUCO in the Tribe of *Bestia* King of the Heralds, with his Fraternity in their Coats of Arms; and next to Sir BRONCHUS, BORISTHENES DE HOLIWATER in the

the Tribe of *Ave*, Master of the Ceremonies: The Mace and the Seal of the Chancery went immediately before the Coaches; and on either side, the Doorkeepers or Guard of the Senate, with their Pole-axes, accompany'd with some three or four hundred Footmen belonging to the Knights or Senators; the Trumpeters, Ballotins, Guards, Postillions, Coachmen and Footmen, being very gallant in the Liveries of the Common-wealth; but all, except the Ballotins, without Hats, in lieu whereof they wore black velvet Calots, being pointed with a little peak at the forehead. After the Proposers came a long file of Coaches full of such Gentlemen as use to grace the Common-wealth upon the like occasions. In this posture they mov'd slowly thro' the streets (affording in the gravity of the Pomp, and the welcomeness of the end, a most reverend and acceptable Prospect to the People all the way from the *Pantheon*, being about half a mile) and arriv'd at the *Halo*, where they found the Prerogative in a close body environ'd with Scaffolds that were cover'd with Spectators. The Tribunes receiv'd the Proposers, and conducted them into a Seat plac'd in the front of the Tribe, like a Pulpit, but that it was of some length, and well adorn'd by the Heralds with all manner of Birds and Beasts, except that they were ill painted and never a one of his natural colour. The Tribunes were plac'd at a Table that stood below the long Seat, those of the Horse in the middle, and those of the Foot at either end, with each of them a Bowl or Basen before him, that on the right hand being white, and the other green: In the middle of the Table stood a third which was red. And the House-keeper of the Pavilion, who had already deliver'd a proportion of linen Balls or Pellets to every one of the Tribe, now presented Boxes to the Ballotins. But the Proposers as they enter'd the Gallery, or long Seat, having put off their Hats by way of Salutation, were answer'd by the People with a shout; whereupon the younger Commissioners seated themselves at either end; and the first standing in the middle, spoke after this manner.

My Lords, the People of Oceana.

“ **W**HILE I find in my self what a felicity it is to salute you
 “ by this Name, and in every Face, anointed as it were with
 “ the Oil of Gladness, a full and sufficient testimony of the like sense,
 “ to go about to feast you with words, who are already fill'd with
 “ that Food of the mind, which being of pleasing and wholesome dig-
 “ gestion, takes in the definition of true Joy, were a needless Enter-
 “ terprize, I shall rather put you in mind of that thankfulness which
 “ is due, than puff you up with any thing that might seem vain. Is
 “ it from the arms of flesh that we derive these Blessings? Behold the
 “ Common-wealth of *Rome* falling upon her own victorious Sword.
 “ Or is it from our own Wisdom, whose Councils had brought it even
 “ to that pass, that we began to repent our selves of Victory? Far be
 “ it from us, my Lords, to sacrifice to our own Nets, which we our
 “ selves have so narrowly escap'd! Let us rather lay our mouths in
 “ the dust, and look up (as was taught the other day when we were
 “ better instructed in this Lesson) to the Hills with our Gratitude.
 “ Nevertheless seeing we read how God upon the neglect of his Pro-
 “ phets has been provok'd to wrath, it must needs follow that he ex-
 “ pects Honour should be given to them by whom he has chosen to
 “ work

“ work as his Instruments. For which cause, nothing doubting of
 “ my Warrant, I shall proceed to that which more particularly con-
 “ cerns the present occasion, the discovery of my Lord ARCHON's
 “ Virtues and Merit, to be ever plac'd by this Nation in their true
 “ Meridian.

My Lords,

“ I A M not upon a Subject which persuades me to balk, but ne-
 “ cessitates me to seek out the greatest Examples. To begin with
 “ ALEXANDER erecting Trophies common to his Sword and the
 “ Pestilence; To what good of Mankind did he infect the Air with
 “ his heaps of Carcases? The Sword of War, if it be any otherwise
 “ us'd than as the Sword of Magistracy, for the fear and punishment
 “ of those that do evil, is as guilty in the sight of God, as the Sword
 “ of a Murderer; nay more, for if the Blood of ABEL, of one inno-
 “ cent Man, cry'd in the ears of the Lord for Vengeance, what shall
 “ the Blood of an innocent Nation? Of this kind of Empire, the
 “ Throne of Ambition, and the Quarry of a mighty Hunter, it has
 “ been truly said, that it is but a great Robbery. But if ALEXANDER
 “ had restor'd the Liberty of Greece, and propagated it to mankind,
 “ he had done like my Lord ARCHON, and might have been truly
 “ call'd the Great. ALEXANDER car'd not to steal a Victory that
 “ would be given: But my Lord ARCHON has torn away a Victory
 “ which had been stol'n, while we were tamely yielding up Obe-
 “ dience to a * Nation reaping in our Fields, whose Fields he has
 “ subjected to our Empire, and nail'd them with his victorious Sword
 “ to their native *Caucasus*. * *The Scottish Royal Line.*

“ *MACHIAVEL* gives a handsome caution, Let no man,
 “ says he, be circumvented with the Glory of CÆSAR, from the false
 “ reflection of their Pens, who thro' the longer continuance of his
 “ Empire in the Name than in the Family, chang'd their Freedom
 “ for Flattery. But if a man would know truly what the *Romans*
 “ thought of CÆSAR, let him observe what they said of CATI-
 “ LIN.

“ A N D yet by how much he who has perpetrated some heinous
 “ Crime, is more execrable than he who did but attempt it; by so
 “ much is CÆSAR more execrable than CATILIN. On the con-
 “ trary, let him that would know what antient and heroic Times,
 “ what the *Greeks* and *Romans* would both have thought and said of
 “ my Lord ARCHON, observe what they thought and said of SO-
 “ LON, LYCURGUS, BRUTUS, and PUBLICOLA. And yet by
 “ how much his Virtue, that is crown'd with the perfection of
 “ his Work, is beyond theirs, who were either inferior in their aim,
 “ or in their performance; by so much is my Lord ARCHON to
 “ be prefer'd before SOLON, LYCURGUS, BRUTUS, and PUBLI-
 “ COLA.

“ N O R will we shun the most illustrious Example of SCIPIO:
 “ This Hero, tho' never so little less, yet was he not the founder of a
 “ Common-wealth; and for the rest, allowing his Virtue to have been
 “ of the most untainted Ray, in what did it outshine this of my
 “ Lord ARCHON? But if dazzling the Eyes of the Magistrates it over-
 “ aw'd Liberty, *Rome* might be allow'd some excuse that she did not
 “ like

“ like it, and I, if I admit not of this comparifon : For where is my
 “ Lord ARCHON ? Is there a Genius, how free foever, which in his
 “ prefence would not find it felf to be under power ? He is shrunk in-
 “ to Clowds, he feeks Obscurity in a Nation that fees by his Light.
 “ He is impatient of his own Glory, left it fhould ftand between you
 “ and your Liberty.

“ LIBERTY ! What is even that, if we may not be grateful ?
 “ And if we may, we have none : For who has any thing that he does
 “ not owe ? My Lords, there be fome hard conditions of Virtue : If
 “ this Debt were exacted, it were not due ; whereas being cancel’d,
 “ we are all enter’d into Bonds. On the other fide, if we make fuch
 “ a payment as will not ftand with a free People, we do not enrich
 “ my Lord ARCHON, but rob him of his whole Eftate, and his im-
 “ menfe Glory.

“ THESE Particulars had in due deliberation and mature debate,
 “ according to the Orders of this Common-wealth, *It is propos’d by*
 “ *Authority of the Senate, to you my Lords the People of Oceana.*

“ I. THAT the Dignity and Office of ARCHON, or Protector
 “ of the Common-wealth of *Oceana*, be, and is hereby confer’d by
 “ the Senate and the People of *Oceana*, upon the moft Illuftrious
 “ Prince, and fole Legiflator of this Common-wealth, OLPHAUS
 “ MEGALETOR, *Pater Patriæ*, whom God preferve, for the term of
 “ his natural Life.

“ II. THAT three hundred and fifty thoufand pounds *per annum*
 “ yet remaining of the antient Revenue, be eftated upon the faid Il-
 “ luftrious Prince, or Lord ARCHON, for the faid term, and to the
 “ proper and peculiar ufe of his Highnefs.

“ III. THAT the Lord ARCHON have the reception of all fo-
 “ reign Embaffadors, by and with the Council of State, according to
 “ the Orders of this Common-wealth.

“ IV. THAT the Lord ARCHON have a ftanding Army of
 “ twelve thoufand men, defray’d upon a monthly Tax, during the
 “ term of three years, for the protection of this Common-wealth
 “ againft diffenting Parties ; to be govern’d, directed, and command-
 “ ed by and with the advice of the Council of War, according to the
 “ Orders of this Common-wealth.

“ V. THAT this Common-wealth make no diftinction of Per-
 “ fons or Parties, but every man being elected and fworn, according
 “ to the Orders of the fame, be equally capable of Magiftracy ; or
 “ not elected, be equally capable of Liberty, and the enjoyment of
 “ his Eftate free from all other than common Taxes.

“ VI. THAT a man putting a diftinction upon himfelf, re-
 “ fufing the Oath upon Election, or declaring himfelf of a Party
 “ not conformable to the Civil Government, may within any time
 “ of the three years ftanding of the Army, transport himfelf and
 “ his Eftate, without moleftation or impediment, into any other
 “ Nation.

“ VII. THAT in cafe there remains any diftinction of Parties not
 “ conforming to the Civil Government of this Common-wealth, af-
 “ ter the three years of the ftanding Army be expir’d, and the Com-
 “ mon-wealth be thereby forc’d to prolong the term of the faid Ar-
 “ my, the pay from thenceforth of the faid Army be levy’d upon the
 “ Eftates

“ Estates of such Parties so remain unconformable to the Civil Go-
 “ vernment.

THE proposer having ended his Oration, the Trumpets sounded; and the Tribunes of the Horse being mounted to view the Ballot, caus'd the Tribe (which thronging up to the Speech, came almost round the Gallery) to retreat about twenty paces, when LINCEUS DE STELLA receiving the Propositions, repair'd with BRONCHUS DE RAUCO the Herald, to a little Scaffold erected in the middle of the Tribe, where he seated himself, the Herald standing bare upon his right hand. The *Ballotins* having their Boxes ready, stood before the Gallery, and at the command of the Tribunes march'd, one to every Troop on Horseback, and one to every Company on Foot; each of them being follow'd by other Children that bore red Boxes: now this is putting the Question, whether the Question should be put. And the Suffrage being very suddenly return'd to the Tribunes at the Table, and number'd in the view of the Proposers, the Votes were all in the Affirmative: whereupon the red or doubtful Boxes were laid aside, it appearing that the Tribe, whether for the Negative or Affirmative, was clear in the matter. Wherefore the Herald began from the Scaffold in the middle of the Tribe, to pronounce the first Proposition, and the *Ballotins* marching with the Negative and Affirmative only, BRONCHUS with his Voice like Thunder, continu'd to repeat the Proposition over and over again, so long as it was in Balloting. The like was done for every Clause, till the Ballot was finish'd, and the Tribunes assembling, had sign'd the Points, that is to say, the number of every suffrage, as it was taken by the Secretary upon the tale of the Tribunes, and in the sight of the Proposers; for this may not be omitted, it is the pulse of the People. Now whereas it appertains to the Tribunes to report the Suffrage of the People to the Senate, they cast the Lot for this Office with three silver Balls, and one gold one; and it fell upon the Right Worshipful ARGUS DE CROOKHORN in the Tribe of *Pascua*, first Tribune of the Foot. ARGUS being a good sufficient man in his own Country, was yet of the mind that he should make but a bad Spokesman; and therefore became something blank at his luck, till his Colleagues persuaded him that it was no such great matter, if he could but read, having his Paper before him. The Proposers taking Coach, receiv'd a Volly upon the Field, and return'd in the same order, save that being accompany'd with the Tribunes, they were also attended by the whole Prerogative to the Piazza of the *Pantheon*, where with another Volly they took their leaves. ARGUS, who had not thought upon his Wife and Children all the way, went very gravely up: and every one being seated, the Senate by their silence seem'd to call for the Report; which ARGUS standing up, deliver'd in this wise,

Right Honourable Lords and Fathers assembled in Parliament;

“ SO it is, that it has fallen to my lot to report to your Excellencies
 “ the Votes of the People, taken upon the third instant, in the
 “ first year of this Common-wealth, at the *Halo*; the Right Ho-
 “ nourable PHOSPHORUS DE AUGE in the Tribe of *Eudia*, DOLA-
 “ BELLA DE ENYO in the Tribe of *Turmae*, and LINCEUS DE
 K k k STELLA

“ STELLA in the Tribe of *Nubia*, Lords Commissioners of the Great
 “ Seal of *Oceana*, and Proposers *pro temporibus*——together with my
 “ Brethern the Tribunes, and my self being present. Wherefore
 “ these are to certify to your Fatherhoods, that the said Votes of the
 “ People were as follows; that is to say:

“ TO the first Proposition. *Nemine contradicante*——
 “ TO the second, *Nemine contradicente*——
 “ TO the third the like.
 “ TO the fourth 211, above half.
 “ TO the fifth 201, above half.
 “ TO the sixth 150, above half, in the Affirmative.
 “ TO the seventh, *Nomine* again, and so forth——

“ MY LORDS, It is a Language that is out of my Prayers,
 “ and if I be out at it, no harm——

“ BUT as concerning my Lord ARCHON (as I was saying) these
 “ are to signify to you the true-heartedness and good-will which is in
 “ the People, seeing by joining with you, as one man, they confess
 “ that all they have to give, is too little for his Highness. For truly,
 “ Fathers, if he who is able to do harm, and does none, may well be
 “ call'd honest; What shall we say to my Lord ARCHON's High-
 “ ness, who having had it in his Power to have done us the greatest
 “ mischief that ever befel a poor Nation, so willing to trust such as
 “ they thought well of, has done us so much good, as we should never
 “ have known how to do ourselves? which was so sweetly deliver'd
 “ by my Lord Chancellor PHOSPHORUS to the People, that I dare
 “ say there was never a one of them could forbear to do as I do——
 “ An't please your Fatherhoods, they be tears of Joy. Ay, my Lord
 “ ARCHON shall walk the streets (if it be for his ease I mean) with
 “ a Switch, while the People run after him, and pray for him: he
 “ shall not wet his foot; they will strew flowers in his way: he shall
 “ sit higher in their hearts, and in the Judgment of all good men,
 “ than the Kings that go up stairs to their Seats; and one of these had
 “ as good pull two or three of his fellows out of their great Chairs,
 “ as wrong him, or meddle with him; he has two or three hundred
 “ thousand men, that when you say the word, shall sell themselves
 “ to their shirts for him, and die at his Foot. His Pillow is of Down,
 “ and his Grave shall be as soft, over which they that are alive shall
 “ wring their hands. And to come to your Fatherhoods, most truly
 “ so call'd, as being the loving Parents of the People, truly you do
 “ not know what a feeling they have of your Kindness, seeing you
 “ are so bound up, that if there comes any harm, they may thank
 “ themselves. And, alas! poor Souls, they see that they are given
 “ to be of so many minds, that tho' they always mean well, yet if
 “ there comes any good, they may thank them that teach them better.
 “ Wherefore there was never such a thing as this invented, they do ve-
 “ rily believe that it is no other than the same which they always
 “ had in their very heads, if they could have but told how to bring
 “ it out. As now for a sample; My Lords the Proposers had no
 “ sooner said your minds, than they found it to be that which heart
 “ could wish. And your Fatherhoods may comfort your selves, that
 “ there is not a People in the world more willing to learn what is for
 “ their

“ their own good, nor more apt to see it, when you have shew'd it
 “ them. Wherefore they do love you as they do their own selves;
 “ honour you as Fathers; resolve to give you as it were Obedience
 “ for ever: and so thanking you for your most good and excellent
 “ Laws, they do pray for you as the very Worthies of the Land,
 “ Right Honourable Lords and Fathers assembl'd in Parliament.

ARGUS came off beyond his own expectation; for thinking right, and speaking as he thought, it was apparent by the House, and the thanks they gave him, that they esteem'd him to be absolutely of the best sort of Orators; upon which having a mind that till then misgave him, he became very crounse, and much delighted with that which might go down the next week in print to his Wife and Neighbours. *LIVY* makes the *Roman* Tribunes to speak in the same stile with the Consuls, which could not be, and therefore for ought in him to the contrary, *VOLERO* and *CANULEIUS* might have spoken in no better stile than *ARGUS*. However, they were not created the first year of the Common-wealth; and the Tribunes of *Oceana* are since become better Orators than were needful. But the Laws being enacted, had the Preamble annex'd, and were deliver'd to *BRONCHUS*, who lov'd nothing in the Earth so much as to go staring and bellowing up and down the Town, like a Stag in a Forrest, as he now did, with his fraternity in their Coats of Arms, and I know not how many Trumpets, proclaiming the Act of Parliament; when meeting my Lord *ARCHON*, who from a retreat that was without Affectation, as being for Devotion only, and to implore a Blessing by Prayer and Fasting upon his Labours, now newly arriv'd in Town, the Herald of the Tribe of *Bestia* set up his throat, and having chanted out his Lesson, past as haughtily by him, as if his own had been the better Office; which in this place was very well taken, tho' *BRONCHUS* for his high mind happen'd afterwards upon some disasters, too long to tell, that spoil'd much of his Embroidery.

MY Lord *ARCHON*'s Arrival being known, the Signory, accompany'd by the Tribunes, repair'd to him, with the news he had already heard by the Herald; to which my Lord Strategus added, That his Highness could not doubt upon the Demonstrations given, but the minds of Men were firm in the opinion, that he could be no seeker of himself in the way of earthly Pomp and Glory: and that the Gratitude of the Senate and the People, could not therefore be understood to have any such reflection upon him. But so it was, that in regard of Dangers abroad, and Parties at home, they durst not trust themselves without a standing Army, nor a standing Army in any man's hands but those of his Highness.

THE *ARCHON* made answer, that he ever expected this would be the sense of the Senate and the People; and this being their sense, he should have been sorry they had made choice of any other than himself for a standing General: First, Because it could not have been more to their own safety: And, Secondly, Because so long as they should have need of a standing Army, his work was not done: That he would not dispute against the Judgment of the Senate and the People, nor ought that to be. Nevertheless, he made little doubt but experience would shew every Party their own Interest in this Government, and that better improv'd than they could expect from any other; that Men's animosities

mosities should over-balance their Interest for any time, was impossible; that humour could never be lasting, nor, thro' the Constitution of the Government, of any effect at the first charge. For supposing the worst, and that the People had chosen no other into the Senate and the Prerogative than Royalists, a matter of fourteen hundred men must have taken their Oaths at their Election, with an intention to go quite contrary, not only to their Oaths so taken, but to their own Interest; for being estated in the Sovereign Power, they must have decreed it from themselves (such an example for which there was never any experience, nor can there be any reason) or holding it, it must have done in their hands as well every whit as in any other. Furthermore, they must have removed the Government from a Foundation that apparently would hold, to set it upon another which apparently would not hold; which things if they could not come to pass, the Senate and the People consisting wholly of Royalists, much less by a parcel of them elected. But if the fear of the Senate and of the People deriv'd from a Party without, such a one as would not be elected, nor engage themselves to the Common-wealth by an Oath; this again must be so large, as would go quite contrary to their own Interest, they being as free and as fully estated in their Liberty as any other, or so narrow that they could do no hurt, while the People being in Arms, and at the beck of the Strategus, every Tribe would at any time make a better Army than such a Party; and there being no Parties at home, fears from abroad would vanish. But seeing it was otherwise determin'd by the Senate and the People, the best course was to take that which they held the safest, in which with his humble thanks for their great bounty, he was resolv'd to serve them with all Duty and Obedience.

A V E R Y short time after the Royalists, now equal Citizens, made good the ARCHON's Judgment, there being no other that found any thing near so great a sweet in the Government. For he who has not been acquainted with Affliction, says SENECA, knows but half the things of this world.

M O R E O V E R they saw plainly, that to restore the antient Government, they must cast up their Estates into the hands of three hundred men; wherefore in case the Senate and the Prerogative, consisting of thirteen hundred men, had been all Royalists, there must of necessity have been, and be for ever, one thousand against this or any such Vote. But the Senate being inform'd by the Signory, that the ARCHON had accepted of his Dignity and Office, caus'd a third Chair to be set for his Highness, between those of the Strategus and the Orator in the House, the like at every Council; to which he repair'd, not of necessity, but at his pleasure, being the best, and, as ARGUS not vainly said, the greatest Prince in the World: for in the Pomp of his Court he was not inferior to any, and in the Field he was follow'd with a Force that was formidable to all. Nor was there a cause in the nature of this Constitution to put him to the charge of Guards, to spoil his stomach or his sleep: Infomuch, as being handsomely disputed by the Wits of the Academy, whether my Lord ARCHON, if he had been ambitious, could have made himself so great, it was carry'd clear in the Negative; not only for the Reasons drawn from the present balance, which was Popular; but putting the case the balance had been Monarchical. For there be some Nations,
whereof

whereof this is one, that will bear a Prince in a Common-wealth far higher than it is possible for them to bear a Monarch. *Spain* look'd upon the Prince of *Orange* as her most formidable Enemy; but if ever there be a Monarch in *Holland*, he will be the *Spaniards* best friend. For whereas a Prince in a Common-wealth derives his Greatness from the root of the People, a Monarch derives his from one of those balances which nip them in the root; by which means the *Low Countries* under a Monarch were poor and inconsiderable, but in bearing a Prince could grow to a miraculous height, and give the Glory of his Actions by far the upper hand of the greatest King in *Christendom*. There are Kings in *Europe*, to whom a King of *Oceana* would be but a *petit Companion*. But the Prince of this Common-wealth is the Terror and the Judge of them all.

THAT which my Lord ARCHON now minded most, was the Agrarian, upon which debate he incessantly thrust the Senate and the Council of State; to the end it might be planted upon some firm root, as the main point and basis of perpetuity to the Common-wealth.

AND these are some of the most remarkable Passages that happen'd in the first year of this Government. About the latter end of the second, the Army was disbanded, but the Taxes continu'd at thirty thousand Pounds a month, for three years and a half. By which means a piece of Artillery was planted, and a portion of Land to the value of 50 *l.* a year purchas'd for the maintenance of the Games, and of the Prize arms for ever, in each Hundred.

WITH the eleventh year of the Common-wealth, the term of the Excise, allotted for the maintenance of the Senate and the People, and for the raising of a public Revenue, expir'd. By which time the Exchequer, over and above the annual Salaries, amounting to three hundred thousand Pounds accumulating every year out of one Million income seven hundred thousand Pounds in Banco, brought it with a product of the Sum, rising to about eight Millions in the whole: whereby at several times they had purchas'd to the Senate and the People four hundred thousand Pounds *per annum* solid Revenue; which, besides the Lands held in *Panopea*, together with the Perquisites of either Province, was held sufficient for a public Revenue. Nevertheless, Taxes being now wholly taken off, the Excise of no great burden (and many specious advantages not vainly propos'd in the heightning of the public Revenue) was very chearfully establish'd by the Senate and the People, for the term of ten years longer; and the same course being taken, the public Revenue was found in the one and twentieth of the Common-wealth, to be worth one Million in good Land. Whereupon the Excise was so abolish'd for the present, as withall resolv'd to be the best, the most fruitful and easy way of raising Taxes, according to future Exigencies. But the Revenue being now such as was able to be a yearly Purchaser, gave a jealousy that by this means the balance of the Common-wealth, consisting in private Fortunes, might be eaten out; whence this year is famous for that Law whereby the Senate and the People forbidding any further purchase of Lands to the Public within the Dominions of *Oceana* and the adjacent Provinces, put the Agrarian upon the Common-wealth her self. These Increases are things which Men, addicted to Monarchy, deride as impossible, whereby they unwarily urge a strong Argument against that which they would defend. For having their eyes fix'd upon the Pomp and

Expende, by which not only every Child of a King being a Prince, exhausts his Father's Coſſers; but Favouriteſ and ſervile Spirits, devoted to the flattery of thoſe Princes, grow insolent and profuſe, returning a fit Gratitude to their Maſters, whom while they hold it honourable to deceive, they ſuck and keep eternally poor: It follows that they do not ſee how it ſhould be poſſible for a Common-wealth to cloath her ſelf in Purple, and thrive ſo ſtrangely upon that which would make a Prince's hair grow thro' his hood, and not afford him bread. As if it were a Miracle that a careleſs and prodigal Man ſhould bring ten thouſand Pounds a year to nothing, or that an induſtrious and frugal Man brings a little to ten thouſand Pounds a year. But the fruit of one man's induſtry and frugality can never be like that of a Commonwealth; Firſt, becauſe the greatneſs of the Increaſe follows the greatneſs of the Stock or principal: And, ſecondly, becauſe a frugal Father is for the moſt part ſucceeded by a laſh Son; whereas a Commonwealth is her own Heir.

THIS year a part was propoſ'd by the Right Honourable AUREUS DE WOOLSACK in the Tribe of *Pecus*, firſt Chmmiſſioner of the Treafury, to the Council of State, which ſoon after paſt the Ballot of the Senate and the People: by which the Lands of the Public Revenue, amounting to one Million, were equally divided into five thouſand Lots, enter'd by their names and parcels into a Lot-book preſerv'd in the Exchequer. And if any Orphan, being a Maid, ſhould caſt her Eſtate into the Exchequer for fourteen hundred Pounds, the Treafury was bound by the Law to pay her quarterly two hundred Pounds a year, free from Taxes, for her Life, and to aſſign her a Lot for her Security: if ſhe marry'd, her Huſband was neither to take out the Principal without her conſent (acknowledg'd by her ſelf to one of the Commiſſioners of the Treafury who according as he found it to be free, or forc'd, was to allow or diſallow of it) nor any other way engage it, than to her proper uſe. But if the Principal were taken out, the Treafury was not bound to repay any more of it than one thouſand Pounds; nor might that be repaid at any time, ſave within the firſt year of her Marriage: the like was to be done by a half or quarter Lot reſpectively.

THIS was found to be a great Charity to the weaker Sex, and as ſome ſay, who are more ſkilful in the like Affairs than my ſelf, of good Profit to the Common-wealth.

NOW began the native Spleen of *Oceana* to be much purg'd, and Men not to affect Sullenneſs and Pedantiſm. The Elders could remember that they had been Youth. Wit and Gallantry were ſo far from being thought Crimes in themſelves, that care was taken to preſerve their innocence. For which cauſe it was propoſ'd to the Council for Religion by the Right Honourable CADISCUS DE CLERO, in the Tribe of *Stamnum*, firſt Cenſor, That ſuch Women as living in Gallantry and View about the Town, were of evil fame, and could not ſhew that they were maintain'd by their own Eſtates or Induſtry; or ſuch as having Eſtates of their own, were yet waſteful in their way of life, and of ill example to others, ſhould be obnoxious to the animadverſion of the Council of Religion, or of the Cenſors: In which the proceeding ſhould be after this manner. Notice ſhould be firſt given of the ſcandal to the party offending, in private: if there were no amendment within the ſpace of fix months, ſhe ſhould be ſummon'd

summon'd and rebuk'd before the said Council or Censors; and, if after other six months it were found that neither this avail'd, she should be censured not to appear at any public Meetings, Games, or Recreations, upon penalty of being taken up by the Door-keepers, or Guards of the Senate, and by them to be detain'd, till for every such Offence, five Pounds were duly paid for her enlargement.

FURTHERMORE, if any common Strumpet should be found, or any scurrility or profaneness represented at either of the Theatres, the Prelates for every such Offence should be fin'd twenty Pounds by the said Council, and the Poet, for every such offence on his part, should be whipt. This Law relates to another, which also was enacted the same year upon this occasion.

THE Youth and Wits of the Academy having put the Business so home in the defence of Comedies, that the Provosts had nothing but the Consequences provided against by the foregoing Law to object, prevail'd so far, that two of the Provosts of the Council of State join'd in a Proposition, which after much ado came to a Law, whereby one hundred thousand pounds was allotted for the building of two Theatres on each side of the Piazza of the *Halo*: and two annual Magistrates call'd *Prelates*, chosen out of the Knights, were added to the Tropic, the one call'd the Prelate of the Buskin, for inspection of the Tragic Scene call'd *Melpomene*; and the other the Prelate of the Sock, for the Comic call'd *Thalia*, which Magistrates had each five hundred pounds a year allow'd out of the Profits of the Theatres; the rest, except eight hundred a year to four Poets, payable into the Exchequer. A Poet Laureat created in one of these Theatres, by the *Strategus* receives a Wreath of five hundred pounds in Gold, paid out of the said Profits. But no man is capable of this Creation, that had not two parts in three of the Suffrages at the Academy, assembl'd after six weeks warning, and upon that occasion.

THESE things among us are sure enough to be censur'd, but by such only as do not know the nature of a Common-wealth: for to tell men that they are free, and yet to curb the genius of a People in a lawful Recreation, to which they are naturally inclin'd, is to tell a tale of a Tub. I have heard the Protestant Ministers in *France*, by men that were wise, and of their own profession, much blam'd in that they forbid Dancing, a Recreation to which the genius of that Air is so inclining, that they lost many who would not lose that: Nor do they less than blame the former determination of rashness, who now gently connive at that which they had so roughly forbidden. These Sports in *Oceana* are so govern'd, that they are pleasing for private diversion, and profitable to the Public: For the Theatres soon defray'd their own charge, and now bring in a good Revenue. All this is so far from the detriment of Virtue, that it is to the improvement of it, seeing Women that heretofore made havoc of their Honours that they might have their Pleasures, are now incapable of their Pleasures, if they lose their Honours.

ABOUT the one and fortieth year of the Common-wealth, the Censors, according to their annual Custom, reported the Pillar of *Nilus*, by which it was found that the People were encreas'd very near one third. Whereupon the Council of War was appointed by the Senate to bring in a State of War, and the Treasurers the State of the Treasury. The State of War, or the Pay and Charge of an Army, was soon after exhibited by the Council in this Account.

The

The Field Pay of a Parliamentary Army.

	<i>l. per ann.</i>
THE Lord Strategus, <i>Marching</i> _____	10000
Polemarchs. { General of the Horse_____	2000
{ Lieutenant General_____	2000
{ General of the Artillery_____	1000
{ Commissary General_____	1000
{ Major General_____	1000
{ Quarter-master General_____	1000
Two Adjutants to the Major General_____	1000
Forty Colonels_____	40000
100 Captains of Horse, at 500 <i>l.</i> a Man_____	50000
300 Captains of Foot, at 300 <i>l.</i> a Man_____	90000
100 Cornets, at 100 <i>l.</i> a Man_____	10000
300 Ensigns at 50 <i>l.</i> a Man_____	15000
800 { Quarter-masters }_____	20000
{ Serjeants }	
{ Trumpeters }	
{ Drummers }	
10000 Horse, at 2 <i>s.</i> 6 <i>d.</i> per day each_____	470000
30000 Foot, at 1 <i>s.</i> per day each_____	500000
Chirurgeons_____	400
Sum_____	1114400
40000 Auxiliaries, amounting to within a little as much _____	1100000
THE Charge of mounting 20000 Horse_____	300000
THE Train of Artillery, holding a 3 <i>d.</i> to the whole_____	900000
Summa totalis_____	1414400

ARMS and Ammunition are not reckon'd, as those which are furnish'd out of the Store or Arsenal of *Emporium*: Nor waftage, as that which goes upon the account of the Fleet, maintain'd by the Customs; which Customs, thro' the care of the Council for Trade, and growth of Traffic, were long since improv'd to about a Million Revenue. The House being thus inform'd of a State of War, the Commissioners brought in

THE state of the Treasury this present year, being the one and fortieth of the Common-wealth.

RECEIVED from the one and twentieth of this } *l.*
Common-wealth, by 700000*l.* a year in bank, with } 16000000
the Product of the Sum rising_____

EX-

EXPENDED from the one and twentieth of this
Common-wealth.

IMPRIMIS, For the Addition of Arms for 100000	l.
Men, to the Arsenal, or Tower of <i>Emporium</i> —	1000000.
FOR the storing of the same with Artillery—	300000.
FOR the storing of the same with Ammunition—	200000.
FOR beautifying the Cities, Parks, Gardens, Public Walks, and Places for Recreation of <i>Emporium</i> and <i>Hiera</i> , with Public Buildings, Aquæducts, Statues, and Fountains, &c.—	1500000.
EXTRAORDINARY Embassies—	150000.
Sum—	3150000.

REMAINING in the Treasury, the Salaries of the
Exchequer being defalk'd—12000000

BY comparifon of which Accounts, if a War with an Army of 80000 Men were to be made by the Penny, yet was the Common-wealth able to maintain fuch a one above three years, without levying a Tax. But it is againft all Experience, Senfe and Reafon, that fuch an Army fhould not be foon broken, or make a great progrefs; in either of which cafes the Charge ceafes; or rather, if a right courfe be taken in the latter, Profit comes in: for the *Romans* had no other confiderable way but Victory whereby to fill their Treasury, which nevertheless was feldom empty. ALEXANDER did not confult his Purfe upon his Defign for *Persia*: It is obferv'd by MACHIAVEL, that LIVY arguing what the event in reafon muft have been had that King invaded *Rome*, and diligently meafuring what on each fide was neceffary to fuch a War, never fpeaks a word of Money. No man imagines that the *Gauls*, *Goths*, *Vandals*, *Huns*, *Lombards*, *Saxons*, *Normans*, made their Inroads or Conquefts by the ftrength of the Purfe; and if it be thought enough, according to the dialect of our age, to fay in answer to thefe things, that thofe times are paff and gone; what Money did the late GUSTAVUS, the moft victorious of modern Princes, bring out of *Sweden* with him into *Germany*? An Army that goes upon a golden Leg, will be as lame as if it were a wooden one; but proper Forces have Nerves and Mufcles in them, fuch for which, having four or five Millions, a Sum eafy enough, with a Revenue like this of *Oceana*, to be had at any time in readinefs, you need never, or very rarely charge the People with Taxes. What influence the Common-wealth by fuch Arms has had upon the world, I leave to Hiftorians, whole cuftom it has been of old, to be as diligent Obfervers of foreign Actions, as carelefs of thofe domeftic Revolutions which (lefs pleafant it may be, as not partaking fo much of the Romance) are to Statesman of far greater profit; and this fault, if it be not mine, is fo much more frequent with modern Writers, as has caus'd me to undertake this Work; on which to give my own Judgment, it is perform'd as much above the time I have been about it, as below the dignity of the matter.

M m m

B U T

BUT I cannot depart out of this Country, till I have taken leave of my Lord ARCHON, a Prince of immense Felicity, who having built as high with his Counsils, as he dig'd deep with his Sword, had now seen fifty years measur'd with his own inerring Orbs.

Plutarch in the
Life of Timoleon.

TIMOLEON (such a hater of Tyrants, that not able to persuade his Brother **TIMOPHANES** to relinquish the Tyranny of *Corinth* he slew him) was afterwards elected by the People (the *Sicilians* groaning to them from under the like burden) to be sent to their relief: Whereupon **TELECLIDES** the Man at that time of most Authority in the Common-wealth of *Corinth*, stood up, and giving an Exhortation to **TIMOLEON**, how he should behave himself in his Expedition, told him that if he restor'd the *Sicilians* to Liberty, it would be acknowledg'd that he had destroy'd a Tyrant; if otherwise, he must expect to hear that he had murder'd a King. **TIMOLEON** taking his leave, with a very small Provision for so great a design, pursu'd it with a Courage not inferior to, and a Felicity beyond any that had been known to that day in mortal Flesh, having in the space of eight years utterly rooted out of all *Sicily* those Weeds of Tyranny, thro' the detestation whereof men fled in such abundance from their Native Country, that whole Cities were left desolate; and brought it to such a pass, that others thro' the fame of his Virtues, and the excellency of the Soil, flockt as fast from all Quarters to it, as to the Garden of the World: While he, being presented by the People of *Syracusa* with his Town-house, and his Country Retreat, the sweetest Places in either, liv'd with his Wife and Children a most quiet, happy, and holy Life; for he attributed no part of his Success to himself, but all to the Blessing and Providence of the Gods. As he pass'd his time in this manner, admir'd and honour'd by Mankind, **LAPHISTIUS** an envious Demagog, going to summon him upon some pretence or other to answer for himself before the Assembly, the People fell into such a Mutiny, as could not be appeas'd but by **TIMOLEON**, who understanding the matter, reprov'd them, by repeating the pains and travel which he had gone thro', to no other end than that every Man might have the free use of the Laws. Wherefore when **DÆMENETUS** another Demagog, had brought the same Design about again, and blam'd him impertinently to the People for things which he did when he was General, **TIMOLEON** answer'd nothing, but raising up his hands, gave the Gods thanks for their return to his frequent Prayers, that he might but live to see the *Syracusians* so free, that they could question whom they pleas'd.

N O T long after being old, thro' some natural imperfection, he fell blind; but the *Syracusians* by their perpetual visits held him, tho' he could not see, their greatest Object: if there arriv'd Strangers, they brought them to see this sight. Whatever came in debate at the Assembly, if it were of small consequence, they determin'd it themselves; but if of importance, they always sent for **TIMOLEON**; who being brought by his Servants in a Chair, and set in the middle of the Theatre, there ever follow'd a great shout, after which some time was allow'd for the Benedictions of the People; and then the matter propos'd, when **TIMOLEON** had spoken to it, was put to the Suffrage; which given, his Servants bore him back in his Chair, accompany'd by the People clapping their hands, and making all expressions of Joy and Applause, till leaving him at his House, they return'd

turn'd to the dispatch of their Business. And this was the Life of TIMOLEON, till he dy'd of Age, and drop'd like a mature Fruit, while the Eyes of the People were as the Showers of Autumn.

THE Life and Death of my Lord ARCHON (but that he had his Senses to the last, and that his Character, as not the Restorer, but the Founder of a Common-wealth, was greater) is so exactly the same, that (seeing by Men wholly ignorant of Antiquity, I am accus'd of writing Romance) I shall repeat nothing: but tell you that this year the whole Nation of *Oceana*, even to the Women and Children, were in mourning, where so great or sad a Funeral Pomp had never been seen or known. Sometime after the performance of the Exequies, a *Colossus*, mounted on a brazen Horse of excellent Fabric, was erected in the Piazza of the *Pantbeon*, engrav'd with this Inscription on the Eastern side of the Pedestal:

H I S

N A M E

I S A S

Precious Ointment.

And on the Western with the following:

G R A T A

GRATA PATRIA

Piæ & Perpetuæ Memoriae

D. D.

Olphaus Megaletor

Lord ARCHON, and *sole* LEGISLATOR

O F

OCEANA.

PATER PATRIÆ.

Invincible in the Field.

Inviolable in his Faith.

Unfained in his Zeal.

Immortal in his Fame.

The Greatest of Captains.

The Best of Princes.

The Happiest of Legislators.

The Most Sincere of Christians.

*Who setting the Kingdoms of Earth at Liberty,
Took the Kingdom of the Heavens by Violence;*

Anno { *Ætat. suæ 116.*
 Hujus Reipub. 50.

THE
PREROGATIVE

OF

Popular Government.

BEING A

POLITICAL DISCOURSE

In Two BOOKS.

The FORMER

Containing the first Preliminary of OCEANA
inlarg'd, interpreted, and vindicated from
all such Mistakes or Slanders as have been
alledg'd against it under the Notion of Ob-
jections.

The SECOND

Concerning Ordination, against D. H. HAMMOND,
Dr. L. SEAMAN, and the Authors they follow.

In which Two Books is contain'd the whole Common-wealth of the
Hebrews, or of *Israel*, Senate, People, and Magistracy, both as it
stood in the Institution by MOSES, and as it came to be form'd af-
ter the Captivity.

As also the different Policies introduc'd into the Church of CHRIST,
during the time of the Apostles.

*Without Council Purposes are disappointed; but in the Multitude of Counsellors they
are establish'd. SOLOMON.*

La multitude è piu Savia è piu costante ch'un Principe. MACHIAVEL.
N n n

EPISTLE to the READER.

WHOSOEVER sheds mans blood, by man shall his blood be shed; for in the Image of God made he Man. If this Rule holds as well in shedding the Blood of a Turk as of a Christian, then that wherein Man is the Image of God is REASON. Of all Controversies, those of the Pen are the most honourable: for in those of Force, there is more of the Image of the Beast, but in those of the Pen there is more of the Image of God. In the Controversies of the Sword, there is but too often no other Reason than Force; but the Controversy of the Pen has never any Force but Reason. Of all Controversies of the Pen next those of Religion, those of Government are the most honourable, and the most useful; the true end of each, tho' in a different way, being that the Will of God may be done in Earth as it is in Heaven. Of all Controversies of Government, those in the vindication of Popular Government are the most noble, as being that Constitution alone, from whence all we have that is good is descended to us; and which, if it had not existed, Mankind at this day had been but a Herd of Beasts. The Prerogative of Popular Government must either be in an ill hand, or else it is a game against which there is not a Card in the whole pack; for we have the Books of MOSES, those of the Greeks and of the Romans, not to omit MACHIAVEL, all for it. What have the Asserters of Monarchy; what can they have against us? A Sword; but that rusts or must have a Scabbard; and the Scabbard of this kind of Sword is a good frame of Government.

A MAN may be posses'd of a piece of Ground by force, but to make use or profit of it, he must build upon it, and till it by Reason; for whatever is not founded upon Reason, cannot be permanent. In Reason there are two parts, *Invention* and *Judgment*: As to the latter, In a multitude of Councillors (say both SOLOMON and MACHIAVEL) there is strength. Nay as for Judgment, there is not that order in Art or Nature that can compare with a Popular Assembly. THE VOICE OF THE PEOPLE IS THE VOICE OF GOD. Hence it is that in all well-order'd Policies the People have the ultimate result: but unless there be some other to invent, a Popular Assembly can be of no effect at all but Confusion. *Invention* is a solitary thing. All the Physicians in the world put together, invented not the Circulation of the Blood, nor can invent any such thing, tho' in their own Art; yet this was invented by one alone, and being invented, is unanimously voted and embrac'd by the generality of Physicians. The Plow and Wheels were at first, you must think, the invention of some rare Artists; but who or what shall ever be able to tear the use of them from the People? Hence, where Government is at a loss, a sole Legislator is of absolute necessity; nay where it is not at a loss, if well model'd, as in Venice, the Proposers, tho' frequently changeable, as in that case is necessary, are very few, as the Councillors, the Savi, the Provosts. Wherever a Common-wealth is thus propos'd to, the Balance or Popular Assembly will do her duty to admiration, but till then never. Yet so it has been with us of late years, that altho' in Royal Authority

thority there was no more than the right of Proposing, and the King himself was to stand (*legibus & consuetudinibus quas vulgus elegerit*) to the result of the People, yet the popular Council has been put upon Invention, and they that have been the prevailing Party have us'd means to keep the Result to themselves, quite contrary to the nature of Popular Administration. *Let one speak, and the rest judge.* Of whatever any one man can say or do, Mankind is the natural and competent Judge, in which is contain'd the very reason of Parliaments; thro' the want of understanding this came in confusion. *Man that is in Honour, and has no understanding, is like the Beasts that perish.* Nor can we possibly return to Order, but by mending the Hedge where it was broken. A prudent, entire and fit Proposition made to a free Parliament, recovers all. To them who are of the greatest Eminency or Authority in a Common-wealth, belongs naturally that part of Reason which is Invention; and using this, they are to propose: but what did our Grandees ever invent or propose, that might shew so much as that themselves knew what they would be at? and yet how confidently do they lay the Fault upon the People, and their unfitness, forsooth, for Government: in which they are wondrous wise! For, this I will boldly say, where there was an Aristocracy that perform'd their duty, there never was, nor ever can be a People unfit for Government; but on the contrary, where the Aristocracy have failed, the People being once under Orders, have held very often. But while they are not under Orders, if they fail it is not their fault, but the fault of the Aristocracy; for who else should model a Government but men of Experience? There is not in *England*, I speak it to their shame, one GRAND-DEE that has any perfect knowledge of the Orders of any one Common-wealth that ever was in the World. Away with this same grave complexion, this huff of Wisdom maintain'd by making faces. The People cannot do their duty consisting in Judgment, but by virtue of such Orders as may bring them together, and direct them; but the duty of the Aristocracy consisting in Invention, may be done by any one man, and in his study; and where is that one man among all the Grandees that studies? They are so far from knowing their own duty, that a man for proposing that in which none can find a flaw has done enough to be ridiculous to them, who are themselves ridiculous to the whole World, in that they could never yet propose any thing that would hold.

BUT if this amounts to a Demonstration, it amounts to a clear detection of your profound Grandees, and a full proof that they are Phantastical Persons, State Jesuits, such as have reduc'd the Politics to mental Reservation and implicit Faith in their nods or nightcaps.

GOD, to propose his Commandments to the People of *Israel*, wrote them on two Tables; the *Decemviri*, to propose their Commandments to the People of *Rome*, wrote them on twelve Tables; the *Athenians* propos'd in writing, sign'd with the name of the particular Inventor; after this pattern do the *Venetians*, as was said, the same at this day. But no Goose-quill, no Scribbling: Your Grandees are above this.

MOSES, who was the first Writer in this kind, shall be pardon'd; but MACHIAVEL, the first in later times that has reviv'd his Principles, or trod in his steps, is deservedly pelted for it by Sermons. They are not for the Scripture, but the *Cabala*.

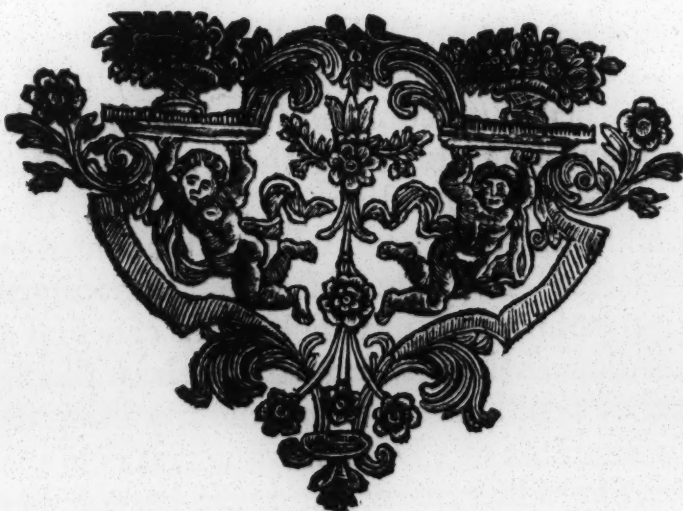
I WILL tell you a story out of BOCCALINI: APOLLO having spy'd the Philosopher and great Master of Silence HARPOCRATES in
the

To the Reader.

the Court of *Parnassus*, us'd such importunity with him, that for once he was persuaded to speak; upon which such apparent discovery was made of the Hypocrite, and the gross ignorance he had so long harbour'd under a deceitful silence, that he was immediately banish'd the Court. Were there cause, I could be modest; but this Virtue, to the diminution of sound and wholesome Principles, would be none: wherefore let a Grandee write, and I will shew you HARPOCRATES.

THUS having sufficiently defy'd Sir GUY, I may with the less impeachment of reputation descend to TOM THUMB. Not that I hold my self a fit Person to be exercis'd with Boys play, but that some, who should have more wit, have so little as to think this something. A good Rat-catcher is not so great a blessing to any City, as a good Juggler-catcher would be to this Nation. Now because I want an Office, I shall shew my Parts to my Country, and how fit I am for the white Staff, or long Pole of so worshipful a Preferment.

Ridiculus ne sis, esto.



THE

THE
FIRST BOOK,

CONTAINING

The first Preliminary of OCEANA, inlarg'd,
interpreted, and vindicated from all such
Mistakes or Slanders as have been alledg'd
against it under the notion of Objections.

Ἐὶ μὴ παρατίσῃς ἡμῶν γελοιότατον
Οἶον ὅ' ἡμεῖς μὴ οὐκ εἶναι πρὸς ἑμῶν χειρὶ.

Ο ο ο

*A full Answer to all such OBJECTIONS
as have hitherto been made against OCEANA.*

NEITHER the Author or Authors of the Considerations upon OCEANA, nor any other, have yet so much as once pretended one Contradiction or one Inequality to be in the whole Common-wealth. Now this is certain, *That Frame of Government which is void of any contradiction; or any inequality, is void of all internal causes of Dissolution, and must, for so much as it embraces, have attain'd to full perfection.* This by wholesale is a full Answer to the Considerations, with all other Objections hitherto; and will Be (with any man that comprehends the nature of Government) to thousands of such Books, or Myriads of such tittle tattle. Nevertheless, because every man is not provided with a Sum, in the following Discourse I shall comply with them that must have things by Retail, or somewhat for their Farthing.



The

The PREFACE.

IT is commonly said, and not without encouragement by some who think they have Parnassus by the horns, that the University has lash'd me: so it seems I have to do with the University, and lashing is lawful; with both which I am contented. In Moorfields, while the People are busy at their sports, they often and ridiculously lose their Buttons, their Ribbands, and their Purses; where if they light, as sometimes they do, upon the Masters of that Art, they fall a kicking them a while (which one may call a rude charge) and then to their work again. I know not whether I invite you to Moorfields, but (*difficile est Satyram non scribere*) all the favour I desire at your hands is but this, that you would not so condemn one man for kicking, as in the same Act to pardon another for cutting of Purses. A Gentleman that commits a fallacious Argument to writing, or goes about to satisfy others with such Reasons as he is not satisfy'd with himself, is no more a Gentleman but a Pick-pocket; with this in my mind, I betake my self to my work, or rather to draw open the Curtain, and begin the Play.

ONE that has written Considerations upon OCEANA, speaks the Prologue in this manner: I beseech you Gentlemen, are not we the Writers of Politics somewhat a ridiculous sort of People? Is it not a fine piece of Folly for private men sitting in their Cabinets to rack their brains about Models of Government? Certainly our Labours make a very pleasant recreation for those great Personages, who, sitting at the Helm of Affairs, have by their large Experience not only acquir'd the perfect Art of Ruling, but have attain'd also to the comprehension of the Nature and Foundation of Government. In which egregious Complement the Considerer has lost his considering Cap.

Epist.

IT was in the time of ALEXANDER, the greatest Prince and Commander of his age, that ARISTOTLE, with scarce inferior Applause and equal Fame, being a private man, wrote that excellent piece of Prudence in his Cabinet, which is call'd his Politics, going upon far other Principles than those of ALEXANDER'S Government, which it has long outliv'd. The like did TITUS LIVIUS in the time of AUGUSTUS, Sir THOMAS MOOR in the time of HENRY the Eighth, and MACHIAVEL when Italy was under Princes that afforded him not the ear. These Works nevertheless are all of the most esteem'd and applauded in this kind; nor have I found any man, whose like Endeavours have been persecuted since PLATO by DIONYSIUS. I study not without great Examples, nor out of my Calling; either Arms or this Art being the proper Trade of a Gentleman. A man may be intrusted with a Ship, and a good Pilot too, yet not understand how to make Sea-charts. To say that a man may not write of Government except he be a Magistrate, is as absurd as to say, that a man may not make a Sea-chart, unless he be a Pilot. It is known that CHRISTOPHER COLUMBUS made a Chart in his Cabinet, that found out the Indies. The Magistrate that was good at his Steerage never took it ill of him that brought him a Chart, seeing whether he would use it or no, was at his own choice; and if Flatterers, being the worst sort of Crows, did not pick out the eyes of the living, the Ship of Government
at

Arte della
Guer. Proem.

at this day throughout Christendom had not struck so often as she has done. To treat of Affairs, says MACHIAVEL, which as to the conduct of 'em appertain to others, may be thought a great boldness; but if I commit Errors in writing, these may be known without danger, whereas if they commit Errors in acting, such come not otherwise to be known, than in the ruin of the Common-wealth. *For which cause I presume to open the Scene of my Discourse, which is to change according to the variety of these following Questions.*

1. WHETHER Prudence be well distinguish'd into Antient and Modern?
2. WHETHER a Common-wealth be rightly defin'd to be a Government of Laws, and not of Men; and Monarchy to be a Government of some Man, or a few Men, and not of Laws?
3. WHETHER the Balance of Dominion in Land be the natural cause of Empire?
4. WHETHER the Balance of Empire be well divided into National and Provincial? and whether these two, or any Nations that are of distinct Balance, coming to depend upon one and the same head, such a mixture creates a new Balance?
5. WHETHER there be any common Right or Interest of Mankind distinct from the parts taken severally? and how by the Orders of a Common-wealth this may best be distinguish'd from private Interest?
6. WHETHER the *Senatusconsulta*, or Decrees of the Roman Senate, had the power of Laws?
7. WHETHER the ten Commandments propos'd by GOD or MOSES were voted by the People of *Israel*?
8. WHETHER a Common-wealth coming up to the perfection of the kind, comes not up to the perfection of Government, and has no flaw in it?
9. WHETHER Monarchy, coming up to the perfection of the kind, comes not short of the perfection of Government, and has not some flaw in it? in which is also treated of the Balance of *France*, of the Original of a landed Clergy, of Arms, and their kinds.
10. WHETHER a Common-wealth that was not first broken by it self, was ever conquer'd by any Monarch?
11. WHETHER there be not an Agrarian, or some Law or Laws of that nature to supply the defect of it, in every Common-wealth? and whether the Agrarian, as it is stated in *Oceana*, be not equal and satisfactory to all Interests or Parties?
12. WHETHER Courses or a Rotation be necessary to a well-order'd Common-wealth? In which is contain'd the *Parembolè* or Courses of *Israel* before the Captivity; together with an Epitome of the whole Common-wealth of *Athens*, as also another of the Common-wealth of *Venice*.

Antient and Modern Prudence.

CHAP. I.

Whether Prudence be well distinguish'd into Antient and Modern.

THE Considerer (where by Antient Prudence I understand the Policy of a Common-wealth, and by Modern Prudence that of King, Lords, and Commons, which introduc'd by the *Goths* and *Vandals* upon the ruin of the *Roman* Empire has since reign'd in these Western Countries, till by the predominating of some one of the three parts, it be now almost universally extinguish'd) thinks it enough for the confutation of this distinction, to shew out of *THUCYDIDES* that of Monarchy to be a more antient Policy than that of a Common-wealth. Upon which occasion, I must begin here to discover that which, the further I go, will be the more manifest; namely, that there is a difference between quoting Authors, and saying some part of them without book: this may be done by their words, but the former no otherwise than by keeping to their sense. Now the sense of *THUCYDIDES*, as he is translated by Mr. *HOBBS* in the place alleg'd, is thus: *The manner, says he, of living in the most antient times of Greece was Thieving; the stronger going abroad under the conduct of their most puissant Men, both to enrich themselves, and fetch home maintainance for the weak: for there was neither Traffic, property of Lands, nor constant Abode, till MINOS built a Navy, and expelling the Malefactors out of the Islands, planted Colonies of his own, by which means they who inhabited the Seacoasts, becoming more addicted to Riches, grew more constant to their dwellings: of whom some, grown now rich, compass'd their Towns about with Walls. For out of a desire of Gain, the meaner sort under-went Servitude with the Mighty; and the Mighty (thus over-balancing at home) with their Wealth, brought the lesser Cities (abroad) into subjection. Thus PELOPS, tho' he was a stranger, obtain'd such Power in Peloponnesus, that the Country was call'd after his name. Thus ATREUS obtain'd the Kingdom of Mycenæ; and thus Kingdoms with Honours limitted came to be hereditary; and rising to Power, proceeded afterwards to the War against Troy. After the War with Troy, tho' with much ado, and in a long time Greece had constant rest (and Land without doubt came to Property) for shifting their seats no longer, at length they sent Colonies abroad; the Athenians into Ionia with the Islands, the Peloponnesians into Italy, Sicily, and others parts. The Power of Greece thus improv'd, and the desire of Money withal, their Revenues (in what? not in Money, if yet there was no Usury; therefore except a man can shew that there was Usury in Land) being enlarg'd, in most of the Cities there were erected Tyrannies. Let us lay this place to the former, when out of a desire of Gain the meaner sort under-went Servitude with the Mighty, it caus'd hereditary Kingdoms with Honours limitted, as happen'd also with us since the time of the *Goths* and *Vandals*. But when the People came to property in Land, and their Revenues were enlarg'd, such as assum'd Power over*

Thu. B. I.
P. 4.
5.
6.
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9.

Book I. them, not according to the nature of their Property or Balance, were
 Tyrants: well, and what remedy? why, *then it was*, says the Confi-
 derer, *that the Grecians out of an extreme aversion to that which was*
the cause of their present Sufferings, slipt into popular Government, not that
upon calm and mature Debates they found it best, but that they might put
themselves at the greatest distance (which Spirit usually accompanies all
Reformations) from that with which they were grown into dislike. Where-
 by he agrees exactly with his Author in making out the true Force and
 Nature of the Balance, working even without deliberation, and whe-
 ther men will or no. For the Government that is natural and easy,
 being in no other direction than that of the respective Balance, is not
 of choice but of necessity. The Policy of King, Lords and Com-
 mons, was not so much from the Prudence of our Ancestors, as from
 their necessity. If three hundred men held at this day the like over-
 balance to the whole People, it was not in the Power of Prudence to
 institute any other than the same kind of Government, thro' the same
 necessity. Thus the meaner sort with THUCYDIDES *submitting to the*
Mighty, it came to *Kingdoms with hereditary Honours*: but the Peo-
 ple coming to be wealthy, call'd their Kings, tho' they knew not why,
Tyrants; nay, and using them accordingly, found out means, with as
 little deliberation it may be as a Bull takes to tofs a Dog, or a Hern to
 split a Hawk (that is, rather, as at the long-run they will ever do in
 the like cases, by Instinct, than Prudence or Debate) to throw down
 that, which by the mere information of sense they could no longer
 bear; and which being thrown down, they found themselves eas'd.
 But the question yet remains, and that is, forsooth, whether of these
 is to be call'd *Antient Prudence*. To this end, never man made a
 more unlucky choice than the Considerer has done for himself of
 this Author, who in the very beginning of his Book, speaking of the
Peloponnesian War, or that between the Common-wealths of *Athens*
and Lacedemon, says, that *the Actions which preceded this, and those*
again that were more antient, tho' the truth of them thro' length of
time cannot by any means be clearly discover'd; yet for any Argument
that (looking into times far past) he had yet lighted on to persuade him,
he does not think they have been very great either for matter of War
or otherwise; that is, for matter of Peace or Government. And lest
 this should not be plain enough, he calls the Prudence of the three
 Periods, observ'd by Mr. HOBBS, viz. that from the beginning of the
Grecian Memory to the Trojan War, that the *Trojan War* it self, and
 that from thence to the present Common-wealths and Wars, whereof
 he treats *The Imbecillity of antient Times*. Wherefore certainly this
 Prevaricator, to give him his own fees, has *less discretion than a com-*
mon Attorney, who will be sure to examine only those Witnesses that seem
to make for the Cause in which he is entertain'd. Seeing that which he
 affirms to be antient Prudence is dispos'd by his own witness to have
 been *the Imbecillity of antient Times*, for which I could have so many
 more than I have leisure to examine, that (to take only of the most
 Authentic) as you have heard one *Greek*, I shall add no more than
 one *Roman*, and that is FLORUS in his Prologue, where (computing the
 Ages of the *Romans*, in the same manner THUCYDIDES did those of
 the *Greeks*) he affirms *the time while they liv'd under their Kings,*
to have been their Infancy; that from the Consuls till they conquer'd Ita-
ly, their Youth; that from hence to their Emperors, their manly age;
and

Confid. p. 4.

Mr. Hobbs in
the Magire.

Thu.B.1. p. 3.

Confid. p. 34.

and the rest (with a Complement or Salvo to TRAJAN his present Lord) their Dotage. Chap. I.

THESE things, tho' originally all Government among the Greeks and the Romans was Regal, are no more than they who have not yet past their Novitiate in story, might have known. Yet says the Considerer, *It seems to be a defect of experience to think that the Greek and the Roman Actions are only considerable in Antiquity.* But is it such a defect of Experience to think them only considerable, as not to think them chiefly considerable in Antiquity, or that the name of Antient Prudence does not belong to that Prudence which was chiefest in Antiquity? True, says he, *it is very frequent with such as have been conversant with Greek and Roman Authors, to be led by them into a belief that the rest of the World was a rude inconsiderable People, and, which is a term they very much delight in, altogether Barbarous.* This should be some fine Gentleman that would have Universities pull'd down; for the Office of a University is no more than to preserve so much of Antiquity as may keep a Nation from stinking, or being barbarous; which Salt grew not in Monarchies, but in Common-wealths: or whence has the Christian World that Religion and those Laws which are now common, but from the Hebrews and Romans? or from whence have we Arts but from these or the Greeks? That we have a Doctor of Divinity, or a Master of Arts, we may thank Popular Government; or with what Languages, with what things are Scholars conversant that are otherwise descended? will they so plead their own Cause as to tell us it is possible there should be a Nation at this day in the world without Universities, or Universities without Hebrew, Greek and Latin, and not be Barbarous, that is to say, rude, unlearn'd, and inconsiderable? Yes, *this humour even among the Greeks and Romans themselves was a servile addiction to narrow Principles, and a piece of very pedantical Pride.* What, man! the Greeks and the Romans that of all other would not serve, servile! their Principles, their Learning, with whose scraps we set up for Batchelors, Masters, and Doctors of fine things, narrow! their inimitable Eloquence a piece of very pedantical Pride! The World can never make sense of this any otherwise than that since Heads and Fellows of Colleges became the only Greeks and Romans, the Greeks and Romans are become servily addicted, of narrow Principles, very Pedants, and prouder of those things they do not understand, than the other were of those they did: For, say they, *in this Question, the Examples of the Babylonians, Persians and Egyptians (not to omit the antient and like modern Discoveries of the Queen of the Amazons, and of the King of China) cannot without gross partiality be neglected.* This is pretty; they who say nothing at all to the Policy of these Governments, accuse me, who have fully open'd it, of negligence. The Babylonian, Persian, and, for ought appears to the contrary, the Chinese Policy, is sum'd up, and far excell'd by that at this day of Turkey; and in opening this latter, I have open'd them all, so far from neglect, that I every where give the Turk his due, whose Policy I assert to be the best of this kind, tho' not of the best kind. But they will bear me down, and but with one Argument, which I beseech you mark, that it is absolutely of the best kind; for say they, *it is of a more absolute form (has more of the Man and less of the Law in it) than is to be met with in any Kingdom of Europe.*

Book I.

I AM amaz'd! This is that kind of Government which to hold Barbarous, was in the *Greeks* and *Romans* *Pedantical Pride*, but would be in us who have not the same *Temptation of Interest*, downright Folly. The Interest of a People is not their Guide but their Temptation! We that hold our Land divided among us, have not the same Temptation of Interest that had the servile *Hebrews*, *Greeks*, and *Romans*; but the same that had the free People of *Babylon*, *Persia*, and *Egypt*, where not the People but the Prince was sole Landlord! O the Arts in which these men are Masters! To follow the pedantical Pride of *MOSES*, *LYCURGUS*, *SOLON*, *ROMULUS*, were with us downright Folly; but to follow humble and learned *MAHOMET* or *OTTOMAN*, in whose only Model the Perfection of the *Babylonian*, *Persian*, *Egyptian* Policy is consummated, is Antient Prudence! Exquisite Politicians! egregious Divines, for the leading of a People into *Egypt* or *Babylon*! These things considered, whether Antient Prudence, as I have stated it, be downright Folly, or as they have stated it, be not downright Knavery, I appeal to any Court of Claims in the world, where the Judges, I mean, have not more in their Caps than in their Heads, and in their Sleeves than the Scarlet. And whereas Men love compendious works, if I gain my Cause, the Reader, for an answer to the *Oxford Book*, needs look no further than this Chapter. For if Riches and Freedom be the end of Government; and these Men propose nothing but Slavery, Beggary, and Turcism, what need more words?

C H A P. II.

Whether a Common-wealth be rightly defin'd to be a Government of Laws and not of Men, and a Monarchy to be the Government of some Man, or a few Men, and not of Laws?

THAT part of the Preliminaries which the Prevaricator, as is usual with him, recites in this place falsely and fraudulently, is thus: Relation had to these two times (that of Antient and that of Modern Prudence) the one, as is computed by *JANOTTI*, ending with the Liberty of *Rome*, the other beginning with the Arms of *CÆSAR* (which extinguishing Liberty, became the Translation of Antient into Modern Prudence, introduc'd in the Ruin of the *Roman Empire* by the *Goths* and *Vandals*) *GOVERNMENT* (to define it de jure, or according to Antient Prudence) is an Art whereby a civil Society of Men is instituted and preserv'd, upon the Foundation of Common Right or Interest; or (to follow *ARISTOTLE* and *LIVY*) it is an Empire of Laws, and not of Men.

AND Government to define it de facto, or according to Modern Prudence, is an Art whereby some Man, or some few Men, subject a City or a Nation, and rule it according to his or their private Interest; which, because Laws in such cases are made according to the Interest of a Man, or some few Families, may be said to be an Empire of Men, and not of Laws.

HEREBY it is plain, whether in an Empire of Laws, and not of Men, as a Common-wealth; or in an Empire of Men, and not of Laws, as Monarchy: First, That Law must equally proceed from Will,

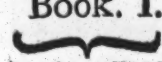
Will, that is either from the Will of the whole People, as in a Common-wealth; from the Will of one Man, as in an Absolute, or from the Will of a few Men, as in a regulated Monarchy. Chap. 2.

SECONDLY, That Will, whether of one, or more, or all, is not presum'd to be, much less to act without a Mover.

THIRDLY, That the Mover of the Will is Interest.

FOURTHLY, That Interests also being of one, of more, or of all; those of one Man, or of a few Men, where Laws are made accordingly, being more private than comes duly up to the Law, the nature whereof lies not in Partiality but in Justice, may be call'd the Empire of Men, and not of Laws: And that of the whole People coming up to the public Interest (which is no other than common Right and Justice, excluding all Partiality or private Interest) may be call'd the Empire of Laws, and not of Men. By all which put together, whereas it is demonstrable that in this division of Government I do not stay at the Will, which must have some Motive or Mover, but go to the first and the remotest Notion of Government, in the Foundation and Origination of it, in which lies the Credit of this Division, and the Definition of the several Members, that is to say, of Interest, whether private or public; the Prevaricator tells me, That this division of Government having (he knows not how) lost its Credit, the definitions of the several Members of it need not be consider'd further, than that they come not at all up to the first and remotest Notion of Government in the Foundation and Origination of it, in which lies all the difficulty; and being here neglected, there is little hope the subsequent Discourse can have in it the light of probable Satisfaction, much less the Force of infallible Demonstration. Confid. p. 6.

VERY good! Interest it should seem then is not the first and remotest Notion of Government, but that which he will out-throw; and at this cast, by saying, that the Declaration of the will of the Sovereign Power is call'd Law: which if it out-lives the Person whose Will it was, it is only because the Persons who succeed in Power are presum'd to have the same will, unless they manifest the contrary, and that is the Abrogation of the Law; so that still the Government is not in the Law but in the Person whose Will gave a being to that Law. I might as well say, The Declaration to all men by these presents that a man owes Money is call'd a Bond; which if it out-lives the Person that enter'd into that Bond, it is only because the Persons that succeed him in his Estate, are presum'd to have the same will, unless they manifest the contrary, and that is the abrogation or cancelling of the Bond; so that still the Debt is not in the Bond, but in his Will who gave a being to that Bond. If it be alledg'd against this example, that it is a private one, the case may be put between several Princes, States, or Governments, or between several States of the same Principallity or Government, whether it be a Regulated Monarchy or a Common-wealth; for in the like Obligation of the States (as of the King, the Lords, and Commons) or Parties agreeing, *Authoritate Patrum & jussu Populi*, till the Parties that so agreed to the Obligation, shall agree to repeal or cancel it, lies all Law that is not merely in the Will of one Man, or of one State, or Party, as the Oligarchy. But not to dispute these things further in this place, let the Government be what it will, for the Prevaricator to fetch the Origination of Law no further than the will (while he knows very well that I fetch'd it from Interest, the Antecedent of Will) and yet Confid. p. 8.

Book. I.  to boast that he has out-thrown me, I say he is neither an *honest Man*, nor a good Bowler. No matter, he will be a better Gunner; for where I said that the Magistrate upon the Bench is that to the Law, which a Gunner upon his Plat-form is to his Cannon, he goes about to take better aim, and says, *If the proportion of things be accurately consider'd, it will appear that the laden Cannon answers not to the Laws, but to the Power of the Person whose Will created those Laws:* Which if some of them that the Power of the Person whose Will created them, intended should be of as good Stuff or Carriage as the rest, do nevertheless according to the nature of their Matter or of their Charge, come short or over, and others break or recoil; sure this Report of the Prevaricator is not according to the bore of my Gun, but according to the bore of such a Gunner. Yet again, if he be not so good a Gunner, he will be a better Anatomist; for whereas I affirm, that to say, ARISTOTLE and CICERO wrote not the Rights or Rules of their Politicks from the Principles of Nature, but transcrib'd them into their Books out of the practice of their own Common-wealths, is as if a man should say of famous HARVEY, that he transcrib'd his Circulation of the Blood, not out of the Principles of Nature, but out of the Anatomy of this or that Body: He answers, that *the whole force of this Objection amounts but to this, that because HARVEY in his Circulation has follow'd the Principles of Nature, therefore ARISTOTLE and CICERO have done so in their Discourses of Government.*

PRETTY! It is said in Scripture, *Thy word is sweet as Honey:* Amounts that but to this, Because Honey is sweet, therefore the Word of God is sweet? To say that my Lord Protector has not conquer'd many Nations, were as if one should say, that CÆSAR had not conquer'd many Nations: Amounts that but to this, that because CÆSAR conquer'd many Nations, therefore my Lord Protector has conquer'd many Nations? What I produce as a Similitude, he calls an Objection; where I say, *as*, he says, *because*: what ingenuous man does not detest such a cheat! A Similitude is brought to shew how a thing is or may be, not to prove that it is so; it is us'd for Illustration, not as an Argument: The Candle I held did not set up the Post, but shew where the Post was set, and yet this blind Buzzard has run his head against it. Nor has he yet enough; if he be not the better Naturalist, he will be the better Divine, tho' he should make the worse Sermon. My Doctrine and Use upon that of SOLOMON, *I have seen Servants upon Horses, and Princes walking as Servants upon the Ground*, discovers the true means whereby the Principles of Power and Authority, the Goods of the Mind and of Fortune, may so meet and twine in the Wreath or Crown of Empire, that the Government standing upon Earth like a holy Altar, and breathing perpetual Incense to Heaven in Justice and Piety, may be something, as it were, between Heaven and Earth; while that only which is propos'd by the best, and resolv'd by the most, becomes Law; and so the whole Government an Empire of Laws, and not of Men. This he says, is a *goodly Sermon*; it is honest, and sense. But let any man make sense or honesty of this Doctrine, which is his own; *To say that Laws do or can govern, is to amuse our selves with a Form of Speech, as when we say Time, or Age, or Death, does such a thing; to which indeed the Phanfy of Poets, and Superstition of Women, may adapt a Person, and give a Power of Action: but wise Men know they are only Ex-*

pressions

pressions of such Actions or Qualifications as belong to Things or Persons. Chap. 3.

SPEAK out; Is it the Word of God, or the Knavery and Non-sense of such Preachers that ought to govern? Are we to hearken to that of the *Talmud*, *There is more in the word of a Scribe, than in the words of the Law*; or that which Christ thereupon says to the Pharisees, *You have made the Word of God of no effect by your Traditions?* Mat. 15. 6. Say, is the Common-wealth to be govern'd in the Word of a Priest or a Pharisee, or by the Vote of the People, and the Interest of Mankind?

C H A P. III.

Whether the Balance of Dominion in Land be the natural Cause of Empire?

THE Doctrine of the Balance is that, tho' he strains at it, which choaks the Prevaricator: for this of all others is that Principle which makes the Politics, not so before the invention of the same, to be undeniable throughout, and (not to meddle with the Mathematics, an Art I understand as little as Mathematicians do this) the most demonstrable of any whatsoever.

FOR this cause I shall rather take pleasure than pains to look back, or tread the same path with other, and perhaps plainer steps: as thus; If a man having one hundred pounds a year may keep one Servant, or have one man at his command, then having one hundred times so much, he may keep one hundred Servants; and this multiply'd by a thousand, he may have one hundred thousand men at his command. Now that the single Person, or Nobility of any Country in *Europe*, that had but half so many men at command, would be King or Prince, is that which I think no man will doubt. But * *no Money, no Switzers*, as the *French* speak: If the Money be flown, so are the Men also. Tho' Riches in general have Wings, and be apt to bate; yet those in Land are the most hooded, and ty'd to the Perch, whereas those in Money have the least hold, and are the swiftest of flight. A Bank where the Money takes not wing, but to come home seiz'd, or like a Coyduck, may well be great; but the Treasure of the *Indies* going out, and not upon returns, makes no Bank. Whence a Bank never paid an Army; or paying an Army, soon became no Bank. But where a Prince or a Nobility has an Estate in Land, the Revenue whereof will defray this Charge, there their Men are planted, have Toes that are Roots, and Arms that bring forth what Fruit you please.

THUS a single Person is made, or a Nobility makes a King, not with difficulty, or any great prudence, but with ease, the rest coming home, as the *Ox that not only knows his Master's Crib*, but must starve or repair to it. Nor for the same reason is Government acquir'd with more ease than it is preserv'd; that is, if the Foundation of Property

* Point de Argent, point de Suisse.

Book I. be in Land: but if in Money, *lightly come, lightly go*. The reason why a single Person, or the Nobility that has one hundred thousand men, or half so many at command, will have the Government, is that the Estate in Land, whereby they are able to maintain so many, in any *European* Territory, must over-balance the rest that remains to the People, at least three parts in four, by which means they are no more able to dispute the Government with him or them, than your Servant is with you. Now for the same reason, if the People hold three parts in four of the Territory, it is plain there can neither be any single Person nor Nobility able to dispute the Government with them; in this case therefore, except Force be interpos'd, they govern themselves. So by this computation of the Balance of Property or Dominion in Land, you have according to the threefold Foundation of Property, the Root or Generation of the threefold kind of Government or Empire.

Oceana, p. 39. IF one man be sole Landlord of a Territory, or over-balance the whole People, three parts in four, or thereabouts, he is Grand Signior; for so the *Turk*, not from his Empire, but his Property is call'd; and the Empire in this case is absolute Monarchy.

IF the Few, or a Nobility, or a Nobility with a Clergy, be Landlords to such a proportion as over-balances the People in the like manner, they may make whom they please King; or if they be not pleas'd with their King, down with him, and set up whom they like better; a HENRY the Fourth, or the Seventh, a GUISE, a MONTFORT, a NEVIL, or a PORTER, should they find that best for their own ends and purposes: For as not the Ballance of the King, but that of the Nobility in this case is the cause of the Government, so not the Estate or Riches of the Prince or Captain, but his Virtue or Ability, or fitness for the ends of the Nobility, acquires that Command or Office. This for Aristocracy or mix'd Monarchy. But if the whole People be Landlords, or hold the Land so divided among them, that no one man or number of men within the compass of the Few, or Aristocracy over-balance them, it is a Common-wealth. Such is the Branch in the Root, or the Balance of Property naturally producing Empire; which not confuted, no man shall be able to batter my Superstructures, and which confuted, I lay down my Arms. Till then, if the cause necessarily precede the effect, Property must have a being before Empire, or beginning with it, must be still first in order.

PROPERTY comes to have a being before Empire or Government two ways, either by a natural or violent Revolution. Natural Revolution happens from within, or by Commerce, as when a Government erected upon one Balance, that for example of a Nobility or a Clergy, thro' the decay of their Estates comes to alter to another Balance; which alteration in the Root of Property, leaves all to confusion, or produces a new Branch or Government, according to the kind or nature of the Root. Violent Revolution happens from without, or by Arms, as when upon Conquest there follows Confiscation. Confiscation again is of three kinds, when the Captain taking all to himself, plants his Army by way of military Colonies, Benefices, or Timars, which was the Policy of MAHOMET; or when the Captain has some Sharers, or a Nobility that divides with him, which was the Policy introduc'd by the *Goths* and *Vandals*; or when the Captain divides the Inheritance by Lots, or otherwise, to the whole People; which

which Policy was instituted by GOD or MOSES in the Common-wealth of *Israel*. This triple distribution, whether from natural or violent Revolution, returns as to the generation of Empire to the same thing, that is to the nature of the Balance already stated and demonstrated. Now let us see what the Prevaricator will say, which first is this.

THE Assertion, that Property producing Empire consists only in Land, appears too positive. A Pig of my own Sow; this is no more than I told him, only there is more imply'd in what I told him, than he will see; which therefore I shall now further explain. The balance in Money may be as good or better than that of Land in three cases. First, where there is no Property of Land yet introduc'd, as in *Greece* during the time of her antient Imbecillity; whence, as is noted by THUCYDIDES, *the meaner sort thro' a desire of Gain underwent the Servitude of the Mighty*. Secondly, in Cities of small Territory and great Trade, as *Holland* and *Genoa*, the Land not being able to feed the People, who must live upon Traffic, is over-balance'd by the means of that Traffic, which is Money. Thirdly, in a narrow Country, where the Lots are at a low scantling, as among the *Israelites*, if care be not had of Money in the regulation of the the same, it will eat out the balance of Land. For which cause tho' an *Israelite* might both have Money, and put it to Usury (*thou shalt lend [upon usury] to many Nations*) Deut. 15. 6. yet might he not lend it upon usury to a Citizen or Brother: whence & 23. 19. two things are manifest: First, that Usury in itself is not unlawful: And next, that Usury in *Israel* was no otherwise forbidden, than as it might come to overthrow the Balance or Foundation of the Government: for where a Lot as to the general amounted not perhaps to four Acres, a man that should have had a thousand Pounds in his Purse, would not have regarded such a Lot in comparison of his Money; and he that should have been half so much in debt, would have been quite eaten out. Usury is of such a nature, as, not forbidden in the like cases, must devour the Government. The *Roman* People, while their Territory was no bigger, and their Lots, which exceeded not two Acres a man, were yet scantier, were dead alive with it; and if they had not help'd themselves by their Tumults, and the Institution of their Tribunes, it had totally ruin'd both them and their Government. In a Common-wealth, whose Territory is very small, the Balance of the Government being laid upon the Land, as in *Lacedemon*, it will not be sufficient to forbid Usury, but Money itself must be forbidden. Whence LYCURGUS allow'd of none, or of such only as being of old, or otherwise useless Iron, was little better, or, if you will, little worse than none. The Prudence of which Law appear'd in the neglect of it, as when LYSANDER, General for the *Lacedemonians* in the *Peloponnesian* War, having taken *Athens*, and brought home the spoil of it, occasion'd the Ruin of that Common-wealth in her Victory. The Land of *Canaan* compar'd with *Spain* or *England*, was at the most but a *Yorkshire*, and *Laconia* was less than *Canaan*. Now if we imagine *Yorkshire* divided, as was *Canaan*, into six hundred thousand Lots, or as was *Laconia*, into thirty thousand; a *Yorkshire* man having one thousand Pounds in his Purse, would, I believe, have a better Estate in Money than in Land; wherefore in this case, to make the Land hold the Balance, there is no way but either that of *Israel* by forbidding Usury, or that of *Lacedemon* by forbidding Money. Where a small Sum may come to

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over-balance a man's Estate in Land, there I say Usury or Money for the preservation of the Balance in Land, must of necessity be forbidden, or the Government will rather rest upon the Balance of Money, than upon that of Land, as in *Holland* and *Genoa*. But in a Territory of such extent as *Spain* or *England*, the Land being not to be over-balance'd by Money, there needs no forbidding of Money or Usury. In *Lacedemon* Merchandize was forbidden, in *Israel* and *Rome* it was not exercis'd; wherefore to these Usury must have been the more destructive: but in a Country where Merchandize is exercis'd, it is so far from being destructive, that it is necessary; else that which might be of profit to the Common-wealth would rust unprofitably in private purses, there being no man that will venture his Money but thro' hope of some Gain; which if it be so regulated that the Borrower may gain more by it than the Lender, as at four in the hundred, or thereabouts, Usury becomes a mighty Profit to the Public, and a Charity to private Men; in which sense we may not be persuaded by them that do not observe these different causes, that it is against Scripture. Had Usury to a Brother been permitted in *Israel*, that Government had been overthrown: but that such a Territory as *England* or *Spain* cannot be over-balance'd by Money, whether it be a scarce or a plentiful Commodity, whether it be accumulated by Parsimony, as in the purse of HENRY the 7th, or presented by Fortune, as in the Revenue of the *Indies*, is sufficiently demonstrated, or shall be.

CONFID. p. 12. FIRST, by an Argument *ad hominem*, one good enough for the Prevaricator, who argues thus; *The Wisdom or the Riches of another man can never give him a Title to my Obedience, nor oblige Mr. HARRINGTON to give his Clothes or Money to the next man he meets, wiser or richer than himself.*

IF he had said stronger, he had spoil'd all; for the parting with a man's Cloaths or Money in that case, cannot be help'd: now the richer as to the case in debate, is the stronger, that is, the advantage of Strength remains to the Balance. But well; he presumes me to have Cloaths and Money of my own, let him put the same case in the People, or the similitude does not hold. But if the People have Cloaths and Money of their own, these must either rise (for the bulk) out of Property in Land, or at least out of the cultivation of the Land, or the Revenue of Industry; which if it be dependent, they must give such a part of their Cloaths and Money to preserve that dependence out of which the rest arises to him or them on whom they depend, as he or they shall think fit, or parting with nothing to this end, must lose all; that is, if they be Tenants, they must pay their Rent, or turn out. So if they have Cloaths and Money dependently, the Balance of Land is in the Landlord or Landlords of the People: but if they have Cloaths and Money independently, then the Balance of Land must of necessity be in the People themselves, in which case they neither would, if there were any such, nor can, because there be no such, give their Money or Cloaths to such as are wiser, or richer, or stronger than themselves. So it is not a man's Cloaths and Money or Riches, that oblige him to acknowledge the Title of his Obedience to him that is wiser or richer, but a man's no Cloaths or Money, or his Poverty, with which if the Prevaricator should come to want, he could not so finely prevaricate but he must serve some body, so he were rich, no matter if less wise than himself. Wherefore seeing the People cannot be said to have

have Cloaths and Money of their own without the balance in Land, and having the balance in Land, will never give their Cloaths, or Money, or Obedience to a single Person, or a Nobility, tho' these should be the richer in Money; the Prevaricator by his own Argument has evinc'd that in such a Territory as *England* or *Spain*, Money can never come to over-balance Land. Chap. 3.

FOR a second Demonstration of this Truth, HENRY the Seventh, tho' he mis'd of the *Indies*, in which for my part I think him happy, was the richest in Money of *English* Princes. Nevertheless this accession of Revenue did not at all preponderate on the King's part, nor change the balance. But while making Farms of a Standard he encreas'd the Yeomanry, and cutting off Retainers he abas'd the Nobility, began that Breach in the balance of Land, which proceeding has ruin'd the Nobility, and in them that Government.

FOR a third, the Monarchy of *Spain*, since *the Silver of Potosi sail'd up the Guadalquivir*, which in *English* is, since that King had the *Indies*, stands upon the same balance in the Lands of the Nobility on which it always stood.

AND so the learned Conclusion of the Prevaricator (*That it is Confid. p. 16.* not to be doubted but a Revenue sufficient to maintain a Force able [to cry ware horns] or beat down all opposition, does equally conduce to Empire, whether it arises from Rents, Lands, Profits of ready Money, Duties, Customs, &c.) asks you no more than where you saw the Premises. For unless they ascended his *Monti*, and his Banks, it is not to be imagin'd which way they went; and with these, because he is a profest Zealot for Monarchy, I would wish him by no means to be mountebanking or meddling: for the purse of a Prince never yet made a Bank, nor, till spending and trading Money be all one, ever shall. The *Genoesè*, which the King of *Spain* could never do with the *Indies*, can make you a Bank out of Letters of Exchange, and the *Hollander* with Herrings. Let him come no more here; where there is a Bank, ten to one there is a Common-wealth. A King is a Soldier, or a Lover, neither of which makes a good Merchant; and without Merchandize you will have a lean Bank. It is true, the Family of the MEDICI were both Merchants, and made a Bank into a Throne: but it was in Common-wealth of Merchants, in a small Territory, by great purchases in Land, and rather in a mere confusion than under any settl'd Government; which Causes, if he can give them all such another meeting, may do as much for another man. Otherwise let it be agreed and resolv'd, that in a Territory of any extent, the balance of Empire consists in Land, and not in Money; always provided that in case a Prince has occasion to run away, as HENRY the Third of *France* did out of *Poland*, his Balance in ready Money is absolutely the most proper for the carrying on of so great and sudden an Enterprize.

IT is an excellent way of disputing, when a man has alledg'd no experience, no example, no reason, to conclude with *no doubt*. Certainly upon such occasions it is not unlawful nor unreasonable to be merry. *Reasons*, says one Comedian, *are not so common as Black-berries*. For all that, says another Comedian, *no doubt but a Revenue in Taxes is as good as a Revenue in Fee-simple*; for this, in brief, is the sense of his former particular, or that part of it, which, the *Monti* and the Banks being already discharg'd, remains to be answer'd. Yet that the Rents and Profits of a man's Land in Fee-simple or Property, come

in

Book I. in naturally and easily, by common consent or concernment, that is, by virtue of the Law founded upon the public Interest, and therefore voluntarily establish'd by the whole People, is an apparent thing. So a man that will receive the Rents and Profits of other men's Land, must either take them by mere force, or bring the People to make a Law divesting themselves of so much of their Property; which upon the matter is all one, because a People possess of the Balance, cannot be brought to make such a Law, further than they see necessary for their common defence, but by force, nor to keep it any longer than that Force continues. It is true, there is not only such a thing in nature as health, but sickness too: nor do I deny that there is such a thing as a Government against the Balance. But look about, seek, find where it stood, how it was nam'd, how lik'd, or how long it lasted. Otherwise the comical Proposition comes to this, *It is not to be doubted but that Violence may be permanent or durable*, and the *Blackberry*, for it is because Nature is permanent or durable! What other construction can be made of these words? *It is not to be doubted but a Revenue sufficient to maintain a Force able to beat down all opposition* (that is, a Force able to raise such a Revenue) *does equally* (on which word grows the *Blackberry*) *conduce to Empire*; that is, as much as could any natural Balance of the same! He may stain mouths, as he has done some, but he shall never make a Politician. The Earth yields her natural increase without losing her heart; but if you come once to force her, look your Force continue, or she yields you nothing: and the balance of Empire consisting of Earth, is of the nature of her Element.

DIVINES are given to speak much of things which the Considerer balks in this place that would check them, to the end he may fly out with them in others, whereto they do not belong, as where he Confid. p. 23. says, *that Government is founded either upon Paternity, and the natural Advantage the first Father had over all the rest of Mankind, who were his Sons; or else from the increase of Strength and Power in some Man or Men, to whose Will the rest submit, that by their submission they may avoid such mischief, as otherwise would be brought upon them.* Which two Vagaries are to be fetch'd home to this place.

FOR the former; If ADAM had liv'd till now, he could have seen no other than his own Children; and so that he must have been King by the right of Nature, was his peculiar Prerogative. But whether the eldest Son of his House, if the Prevaricator can find him at this time of day, has the same right, is somewhat disputable; because it was early when ABRAHAM and LOT dividing Territories, became several Kings: and not long after when the Sons of JACOB being all Patriarchs, by the appointment of God, whose Right sure was not inferior to that of ADAM, tho' he had liv'd, came under Popular Government. Wherefore the advantage of the first Father is for grave men a pleasant fancy; nevertheless if he had liv'd till now, I hope they understand that the whole Earth would have been his Demeans, and so the Balance of his Property must have answer'd to his Empire, as did that also of ABRAHAM and LOT to theirs. Wherefore this way of Deduction comes directly home again to the Balance. *Paterfamilias Latifundia possidens, & neminem aliâ lege in suas terras recipiens quam ut ditioni suæ, qui recipiuntur, se subjiciant, est Rex*, says GROTIUS. Fathers of Families are of three sorts, either a sole Landlord, as ADAM, and then he is an absolute Monarch; or a few Landlords,

De jure belli,
l. 1. c. 5.

as LOT and ABRAHAM, with the Patriarchs of those days; who if they join'd not together, were so many Princes; or if they join'd, made a mix'd Monarchy: or, as GROTIUS believes, a kind of Common-wealth adminster'd in the Land of *Canaan* by MELCHISEDEC, to whom as King and Priest ABRAHAM paid Tythes of all that he had. Such a Magistracy was that also of JETHRO, King and Priest in the Common-wealth of *Midian*. Fathers of Families for the third sort, as when the Multitude are Landlords (which happen'd in the division of the Land of *Canaan*) make a Common-wealth. And thus much, however it was out of the Prevaricator's head in the place now deduc'd, he, excepting no further against the Balance than that it might consist as well in Money as in Land, had confest before.

HIS second Vagary is in his deduction of Empire from increase of Strength, for which we must once more *round about our Coalfire*. The strength whereby this effect can be expected, consists not in a pair of Fists, but in an Army; and an Army is a Beast with a great Belly, which subsists not without very large pastures: so if one man has sufficient pasture, he may feed such a Beast; if a few have the pasture they must feed the Beast, and the Beast is theirs that feed it. But if the People be the Sheep of their own pastures, they are not only a flock of Sheep, but an Army of Lions, tho' by some accidents, as I confest before, they be for a season confinable to their dens. So the advantage or increase of Strength depends also upon the Balance. There is nothing in the world to swear this Principle out of countenance, but the fame of PHALARIS, GELON, DIONYSIUS, AGATHOCLES, NABIS, &c. with which much good do them that like it. It is proper to a Government upon the Balance to take root at home, and spread outwards; and to a Government against the Balance to seek a root abroad, and to spread inwards. The former is sure, but the latter never successful. AGATHOCLES for having conquer'd *Africa*, took not the better root in *Syracusa*. *Parvi sunt arma foras, nisi sit consilium domi*.

To conclude this Chapter; the Prevaricator gives me this thanks for finding out the Balance of Dominion (being as antient in Nature as herself, and yet as new in Art as my Writing) *that I have given the world cause to complain of a great disappointment, who, while at my hand that Satisfaction in the Principles of Government was expected, which several great Wits had in vain study'd, have in diversifying Riches in words only, as Property, Dominion, Agrarian, Balance, made up no more than a new Lexicon, expressing the same thing that was known before; seeing the opinion that Riches are Power is (as antient as the first Book of THUCYDIDES, or the Politicks of ARISTOTLE, and) not omitted by Mr. HOBBS, or any other Politician. Which is as if he had told Dr. HARVEY, that whereas the Blood is the Life was an Opinion as antient as MOSES, and no Girl ever prick'd her finger, but knew it must have a course; he had given the world cause to complain of great disappointment in not shewing a Man to be made of Gingerbread, and his Veins to run Malmsey.*

The Prerogative

C H A P. IV.

Whether the Balance of Empire be well divided into National and Provincial; And whether these two, or any Nations that are of distinct Balance, coming to depend upon one and the same Head, such a mixture creates a new Balance.

Confid, p. 16,
17.

THE Balance of Empire that is National, as it is stated in the former Chapter, stands in a regulated or mix'd Monarchy upon the Property or native Interest of the Nobility; in a Common-wealth, upon the Property or native Interest of the People; so these are very natural. But the Balance of absolute Monarchy, partaking of Force as well as Nature, is a mix'd thing, and not much different from the Balance of Provincial Empire, or the manner of holding a Province or conquer'd Country. In a Province, if the Native that is rich be admitted to Power, the Power grows up native, and over-tops the foreign: therefore you must either not plant your Citizens in your Provinces, where in time they will become native; or, so planting them, neither trust them with Power nor with Arms. Thus the provincial Balance comes to be contrary to the National. And as where Empire is native or national, the administration of it can be no otherwise than according to the national Balance; so where Empire is foreign or provincial, the administration of it can be no otherwise than contrary to the national Balance. That *this may be admitted without opposition* the Considerer is inclining to allow, always provided he be *satisfy'd in this demand (Whether distinct Balances under the same Head or Governour, as those of Castile and Arragon, the Power of the King (I presume he means by the Balance of a Nobility) being greater in the one, and that of the People in the other, may not so poise one the other, as to produce a new Balance.* To which I answer, That no one Government whatsoever has any more than one of two Balances; that, except in the cases excepted, of Land which is national, or that of Arms which is provincial. Wherefore if the King of *Spain* by his War against the Commons alter'd the Balance of *Arragon*, it must have been one of two ways, either by strengthening the Balance of the Nobility, and governing the *Arragonian* People by them, in which case their Balance, tho' alter'd, remain'd yet National; or by holding both Nobility and People by a provincial Governour and an Army, in which case his Empire in that Kingdom is provincial. There is no third way; nor, putting the case that the Balance of *Castile* be national, and that of *Arragon* provincial, does this any more create in the Monarchy of *Spain* a third Balance of Empire, than did the multiplication of Associations and Provinces, divers for their Balances, in the Common-wealth of *Rome*. *England* and *Scotland* being united in one Prince, made, if it had been rightly us'd, an increase of Strength, but not a third Balance; nor do the Kingdoms in *Spain*. Whether a Sovereignty has many Territories and Provinces in subjection, or in League, it is all one as to this point; the stronger Union or League will give the stronger Balance: and the case of the present Sovereignities in *Europe* being no other, the more nice than wise Speculation of the Considerer, who has not been able to discern the Balance of a League from that of Empire, is a Mares nest.

C H A P.

C H A P. V.

Whether there be any common Right or Interest of Mankind distinct from the parts taken severally; and how by the Orders of a Common-wealth it may best be distinguish'd from private Interest.

IN the next place the Prevaricator does not go about to play the man, but the unlucky boy. Where I say that the *Soul of Man is Mistress of two potent Rivals, Reason and Passion*; he does not stand to weigh the truth of the thing, or the fitness of the comparison, either of which had been fair; but tumbles *Dick* upon *Sis*, the Logic upon the Rhetoric, the Sense upon the Figure, and scuds away in this manner: *If I could be persuaded Mr. HARRINGTON was so far in earnest, as to expect any man should be convinc'd by the metaphorical use of two or three words, some farther consideration might be propos'd.* This is to use his Readers as the Fox does the Dogs, when having pift upon his Tail, and flapt it in their Eyes, he gets away. Does not his Book deserve to be gilded and carry'd in Statesmen's Pockets? Alas! mine are nothing? *Quis leget hæc? vel duo vel nemo:* they break the Stationer. And yet let me comfort my self, Whose are better? the Prevaricator seems to set every whit as light by those of HOOKER and GROTIUS, at least where they favour me. *The Opinions of GROTIUS, says he, cannot oblige us beyond the Reasons whereon they are founded; and what are those? he will dispute against that which he dares not repeat: that his Comment may take you by the Nose, he has left out the Text.* The words of GROTIUS are of this sense: *Tho' it be truly said that the Creatures are naturally carry'd to their proper Utility, this ought not to be taken in too general a sense, seeing divers of them abstain from their own Profit, either in regard of those of the same kind, or at least of their Young.* Which words, says the Prevaricator, carry a great restriction in them, and the way of producing Actions in Beasts is so different from the emanation of human Reason (mark the Impostor! the Author is speaking of natural Affection, and he wipes out that, and puts in human Reason) that the Inferences from (the natural Affection of) the one, to the (degree of Reason which is in the) other, must needs be very weak. Excellent! does it therefore follow that the eminent degree of Reason, wherewithal God has endu'd Man, must in him deface that natural Affection, and desertion in some cases of private for common good, which is apparent even in Beasts? What do reverend Divines mean to cry up this Infidel? Nay, is not he worse than an Infidel that provides not for his own Family? A Common-wealth is but a great Family; and a Family is a little Common-wealth. Even Beasts, in sparing out of their own mouths, and exposing themselves to danger for their young, provide for their Families; and in providing for their Families, provide for their whole Common-wealth; that is, forsake in some things their private good and safety, for the good of the public, or of the kind. In this case it is that even Stones or heavy things, says HOOKER, forsake their ordinary wont or center, and fly upwards to relieve the distress of Nature in common. Wretch that he is, shall a Stone upon this occasion fly upwards, and will he have a Man to go down

Confid. p. 19.
20.

In Proleg. de
jure B. ac. P.

Book 1.

Book I. downwards! Yes, Mr. HOOKER's *Expression*, says he, is altogether figurative; and it is easier to prove from thence that things wanting Sense make Discourses, and act by Election, than that there is such a thing as a common Interest of Mankind. This is like the rest, HOOKER speaks of the necessity that is in Nature, and this Gentleman translates that Sense into the word *Election*. So because a Stone is necessitated to comply with the common interest of Nature, without Discourse or Election; therefore it rather follows from hence, that things wanting Sense make Discourses, and act by Election, than that there is such a thing as a common Interest of Mankind. His old Trick. I do not say, that because it is so with the other Creatures, therefore it must be so with Man: but as we see it is with the Creatures in this part, so we find it to be with Man. And that so, and more than so, we find it to be with Man (who tho' he be evil, gives good things to his Children, will work hard, lay up, deny himself, venture his Life for his little Common-wealth) is thus further demonstrated. All civil Laws acknowledge that there is a common Interest of Mankind, and all civil Laws proceed from the Nature of Man; therefore it is in the Nature of Man to acknowledge that there is a common Interest of Mankind. Upon this acknowledgement of Mankind, a Man that steals is put to death, which certainly is none of his private Interest; nor is a Man put to death for any other Man's private Interest: therefore there is a common Interest of Mankind distinct from the parts taken severally. But this, tho' acknowledg'd in part by all Governments, yet thro' their natural frailty is nothing so well provided for in some as in others: for if the Power be in one or a few Men, one or a few Men, we know, may be Thieves, and the rather, because applying Money that is public, without a consideration that is public, to uses that are private, is thieving. But such Thieves will not be hang'd; in this case therefore the Government goes not upon public but private Interest. In the frame of such a Government as can go upon no other than the public Interest, consists that whole Philosophy of the Soul which concerns Policy: and this whole Philosophy of the Soul being throughout the Common-wealth of Oceana demonstrated; for the Prevaricator to insinuate that I have omitted it, is to shew what it is that he loves more than Truth. The main of this Philosophy consists in deposing Passion, and advancing Reason to the Throne of Empire. I expected news in this place, that this were to promise more for the Magistrate or the People than has been perform'd by the Stoics; but two Girls, meaning no body any harm, have provok'd his Wrath, forsooth, to such extravagancy by the way, that tho' in all modesty it were forbid, as he confesses, by their cheeks, which discovering the Green-sickness, shew'd that they were past the rod, he has taken them up! *Tantæne animis cælestibus iræ!* What he may have in School-Divinity for so rude a charge, I do not know; but he shall never be able to shew any Maxim for this kind of Discipline or Philosophy of the Soul, either in Chevalry or the Politics. The offence of the Girls was no more, than that having a Cake (by the gift of an Uncle or Aunt, or by purchase, or such a one perhaps as was of their own making) in common, or between them, the one had most accurately divided, and the other was about to chuse; when in

Confid. p. 22. comes this rude fellow: How now Gentlewomen, says he, What, dividing
²³ and chusing! Will no less serve your turn than the whole Mystery of a well-order'd Common-wealth? Who has taught you to cast away Passion, an't please you,

you like the Bran, and work up Reason as pure as the Flower of your Cake? Chap. 5.
Are you acquainted with the Author of Oceana, that has seen Foreign
Countries, convers'd with the Speculativi, learn'd of the most serene Lady
VENETIA to work with Bobbins, makes you a Magistracy like a Pippin
Py, and sells Butterprints with S. P. Q. R.? Have done, as you dread
Ballads, justy Pamphlets, or the Ostracism of Billingsgate. Have done,
I say; will you vy that green in your Cheeks with the purple of the State?
must your Mother, who was never there her self, seek you in the Oven?
Come, when I live to see MACHIAVEL in puffpaste, a Common-wealth
come out of a Bake-House, where Smocks were the Boulters, let me be a
Mil-horse.—But now you must know comes the best Jest of all, and
I need not say that it comes from Oxford; he tells them that *their Cake*
is *Dow* (let it not be lost I beseech you) and so snatching it away, eats
it, for all the World as Jackpudding eats the Custard. Did you ever
see such a *Bestia*?

BUT whereas either Office, that of dividing or choosing, was com-
municable to either of the Girls, it is not indifferent in the Distribution
of a Common-wealth, because dividing is separating one thing, one
reason, one interest, or Consideration from another, which they that
can so discern in private Affairs are called *discrete*, but they that can do
it in public are *prudent*; and the way of this kind of dividing in the
language of a Common-wealth is Debating. But they that are capa-
ble of this kind of dividing or debating are few among many, that
when things are thus divided and debated, are able enough to choose,
which in the language of a Common-wealth is to resolve. Hence it
is that the Debate of the Few, because there be but few that can
Debate, is the wisest Debate; and the Result of the Many (because
every Man has an Interest what to choose, and that choice which sutes
with every man's Interest, excludes the distinct or private Interest or
Passion of any man, and so comes up to the common and public In-
terest or Reason) is the wisest Result. To this end, God, who does no-
thing in vain, has so divided Mankind into the Few or the natural
Aristocracy, and the Many or the natural Democracy, that there can
hardly be upon any occasion a meeting of twenty men, wherein it
will not be apparent, or in which you may not see all those Lines
which are requisite to the face of a beautiful Common-wealth. For
example, among any twenty men, occasionally met, there will be
some few, perhaps six, excelling the fourteen in greatness of Parts.
These six falling into discourse of business, or giving their judgment
upon Persons or Things, tho' but by Way of mere Conversation, will
discover their Abilities; whereupon they shall be listen'd to and re-
garded by the Fourteen; that is, the Six will acquire an Authority
with, and imprint a Reverence upon the Fourteen: which Action and
Passion in the Roman Common-wealth were call'd *Authoritas Patrum*
& *Verecundia Plebis*. Nevertheless if the six endeavour to extend the
Authority, which they find thus acquir'd, to Power, that is, to bring
the fourteen to terms or conditions of obedience, or such as would be
advantageous to the Few, but prejudicial to the Many; the Fourteen
will soon find, that consenting, they hurt not only themselves by in-
damaging their own Interests, but hurt the Six also who by this means
come to lose their Virtue, and so spoil their Debate, which, while such
advantages are procurable to themselves, will go no further upon the
common Good, but their private Benefit. Wherefore in this case they

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Book. I. will not consent, and not consenting, they preserve not only their own Liberty, but the integrity of the Six also, who perceiving that they cannot impair the common Interest, have no other interest left but to improve it. And neither any Conversation, nor any People, how dull soever and subject by fits to be deluded, but will soon see thus much, which is enough, because what is thus propos'd by the Authority of the Six or of the Senate, and resolved by the Fourteen, or by the People, is enacted by the Whole, and becomes that Law, than which, tho' Mankind be not infallible, there can be nothing less fallible in Mankind. Art is the imitation of Nature; by observation of such Lines as these in the face of Nature, a Politician limns his Common-wealth.

Confid. p. 26. But says the Prevaricator, *the Paralogism lies in this, that the twenty men are first supposed to be a Common-wealth, and then it is considered how they would dispose of the Government.* What is this? Art is the imitation of Nature; therefore Art presumes Nature to be Art. A Picture is the representation of a Face; therefore the Picture-drawer presum'd the Face to be a Picture; and in this same, there is lying, being, or squatting, a thing call'd a Paralogism. Did you ever hear such a Parakerism? for to speak a word without understanding the sense of it, is like a Parrat. And yet I wrong the Parrat in this comparison; for she, tho' she do not understand herself, is understood by others, whereas neither can this Prevaricator tell what he means, nor any man else. Or riddle me, riddle me what is this? *The sense of want among men that are in equality of Power may beget a desire of exchange; as let me have your Horse, and you shall have my Cow, which is the fountain of private Contracts: but it is not to be with reason imagined, that this should be enough to make a man part with a natural freedom, and put himself into the hands of a Power from which he can afterwards have no shield, tho' it should be us'd to his own destruction.*

Confid. p. 27. MOST victorious Nonsense! for he that says nothing, cannot be answer'd. It should seem, if the twenty men were indeed a Commonwealth, or in equality of Power, for so he puts the case, they might truck Horses and Cows, but not by any means consider, or once let it enter into their heads, how by art to make good their natural Freedom: That (unless they set up a Prince, as you shall see anon) were to part with their natural Freedom, and put themselves into the hands of a Power from which (there being no other Power but themselves) they can afterwards have no shield. To read it thoroughly for the understanding, as is intimated in his Epistle, will be more, I doubt, than his Book will obtain of any Reader. Yet is he, in his own conceit, as sure-footed as any Mule, and knows the Road. But Mr. HARRINGTON has not lost his way without company; his Brother GROTIUS complains, that they who treat of Jus Gentium do commonly mistake some Part of the Roman Jus Civile for it: And even so he laments (an't please you) that while men profess to consider the Principles of Government, they fall upon Notions which are the mere effects of Government. But as an Ape is the more ugly for being like a Man; so this Prevaricator, for making Faces like GROTIUS. I, who am complain'd of, deriving Government from the true Principle of the same, in the Balance or Foundation, set the Superstructures accordingly; and he who complains forsooth, never so much as proposes any thing like a principle or Superstructure, but runs altogether upon mere Notions: As where he asks me, *What Security will you give, that the Six in their Consultati-*

Confid. p. 28.

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ons shall not rather aim at their own advantage, than that of the Fourteen, Chap. 5:
and so make use of the eminence of their Parts to circumvent the rest?

In another place he can answer himself and say, that the Fourteen, or the People in this Constitution, have the Vote and the Sword too. How then should the Six circumvent them? What Security has a Prince, that his People will not pull him out of his Throne? why, a Nobility or an Army: And are not the People in a Common-wealth their own Army? Is this to mind Principles? On the other side, How, says he, shall we be satisfy'd that the Fourteen will not soon begin to think themselves wise enough to consult too, and making use of their excess in Power, pull the Six off their Cushions? As if there were any experience public or private, any sense or reason, that men having the whole Power in their own hands, would deprive themselves of Councillors; or that ever a Common-wealth depos'd the Senate, or can depose the Senate, and remain a Common-wealth. The People of Capua being inrag'd to the full height, resolv'd and assembl'd together (the Senate, if the People will, being always in their power) on purpose to cut the throats of the Senators, when PACUVIUS CALAVIUS exhorted them that ere they went upon the design, they would first make election among themselves of a new Senate, which, the throats of the old being cut, might for the safety of the Common-wealth immediately take their places; for, said he, * You must either have a King, which is to be abhor'd; or whatever becomes of this, you must have some other Senate: for the Senate is a Council of such a nature as without it no free City can subsist. By which Speech of PACUVIUS, the People who thought themselves, as the Considerer has it, wise enough to consult, being convinced, fell to work for the Election of a succeeding Senate out of themselves (the Prevaricator should not tell me of Notions, but learn that in a Common-wealth there must be a Senate, is a Principle) while the People of Capua were intent upon choosing this new Senate, the Parties propos'd seem'd to them to be so ridiculously unfit for such an Office, that by this means coming to a nearer sight of themselves, they were secretly so fill'd with the shame of their Enterprize, that sinking away, they would never after be known so much as to have thought upon such a thing. Nor ever went any other People so far, not the Florentins themselves, tho' addicted to Innovation or changing of the Senate beyond all other Examples. Sons of the University, Brothers of the College, Heads and Points; you love fine words. Whether tends to bring all things into servitude, my Hypothesis, or his † Hypotheses? For says he, I am willing to gratify Mr. HARRINGTON with his partition of the twenty men into six and fourteen; but if I had been in a humour of Contradiction, it had been as free for me to have said that some one of the twenty would have excel'd all the rest in Judgment, Experience, Courage, and height of Genius, and then told him, that this had been a natural Monarchy, established by God himself over Mankind: As if the twenty would give their Clothes or Money to the next man they meet wiser or richer than themselves, which before he deny'd; Oportet mendacem esse memorem. God establish'd Kings no otherwise than by election of the People; and the twenty will neither give their Clothes nor Money: How then? why in comes a Gallant with a file

† Arochet.

* Senatum omnino non habere non vultis: Quippe aut Rex, quod abominandum; aut, quod unum liberæ civitatis Concilium est, Senatus habendus est. Liv.

Book I. of Musketeers; What, says he, are you dividing and choofing here? Go to, I will have no dividing, give me all. Down go the pots, and up go their heels: What is this? Why a *King*! What more? By *Divine Right*! As he took the Cake from the Girls!

C H A P. VI.

Whether the Senatusconsulta, or Decrees of the Roman Senate, had the Power of Laws.

AMONG divers and weighty Reasons why I would have that Prince look well to his file of Musketeers, this is no small one, that he being upon no balance, will never be able to give Law without them. For to think that he succeeds to the Senate, or that the Power of the Senate may serve his turn, is a presumption that will fail him. The Senate, as such, has no power at all, but mere Authority of proposing to the People, who are the makers of their own Laws; whence the Decrees of the Senate of *Rome* are never Laws, nor so call'd, but *Senatusconsulta*. It is true that a King coming in, the Senate, as there it did, may remain to his aid and advantage; and then they propose not as formerly to the People, but to him, who comes not in upon the right of the Senate, but upon that of the People: Whence says JUSTINIAN; * *The Princes Pleasure has the force of Law, since the People have by the Lex Regia concerning his Power, made over to him all their own Empire and Authority.* Thus the *Senatusconsultum Macedonicum*, with the rest that had place allow'd by JUSTINIAN in compilement of the Roman Laws, were not Laws in that they were *Senatusconsulta*, or propos'd by the Senate, but in that they were allow'd by JUSTINIAN or the Prince, in whom was now the right of the People. Wherefore the Zealot for Monarchy has made a *pas de clerc*, or foul step in his procession, where he argues thus out of CUJACIUS: *It was soon agreed that the distinct Decrees of the Senate and People should be extended to the nature of Laws*; therefore the distinct Decrees of the Senate are Laws, whether it be so agreed by the People, or by the Prince, or no. For thus he has no sooner made his Prince, than he kicks him heels over head; seeing where the Decrees of the Senate are Laws without the King, that same is as much a King as the Prevaricator a Politician. A Law is that which was past by the Power of the People, or of the King. But out of the Light; in this place he takes a *Welsh Bait*, and looking back, makes a muster of his Victories, like the buffing Gascon, who to shew what he had thrown out of the windows in his Debauchery, made a formal repetition of the whole inventory of the House.

Confid. p. 30.
31.

Confid. p. 32.

* Quod Principi placuit legis habet vigorem, quum lege Regia quæ de ejus imperio lata est, Populus ei, & in eum omne imperium suum & potestatem concedat.

C H A P. VII.

Whether the Ten Commandments were propos'd by GOD or MOSES, and voted by the People of Israel.

ONE would think the Gascon had done well; Is he satisfy'd? No, he will now *throw the House out of the windows*. *The principal stones being already taken from the Foundation, he has a bag of certain Winds wherewithal to reverse the Superstructures.* The first Wind he lets go is but a Puff, where he tells me, *that I bring Switzerland and Holland into the enumeration of the Heathen Common-wealths: which if I had done, their Liberties in many parts and places being more antient than the Christian Religion in those Countries (as is plain by TACITUS, where he speaks of CIVILIS, and of the Customs of the Germans) I had neither wrong'd them nor my self; but I do no such matter, for having enumerated the Heathen Common-wealths, I add that the Proceedings of Holland and Switzerland, tho' after a more obscure manner, are of the like nature.* The next is a Storm, while reproaching me with Rudeness, he brings in Dr. FERN and the Clergy by head and shoulders, who till they undertake the quarrel of Monarchy, to the confusion of the Common-wealth of *Israel*, at least so far that there be no weight or obligation in such an Example, are posted. As if for a Christian Common-wealth to make so much use of *Israel* as the Roman did of *Athens*, whose Laws she transcrib'd, were against the Interest of the Clergy, which, it seems, is so hostile to popular Power, that to say the Laws of Nature, tho' they be the Fountains of all Civil Law, are not the Civil Law, till they be the Civil Law; or thus, that *thou shalt not kill, thou shalt not steal, tho' they be in natural Equity, yet were not the Laws of Israel or of England, till voted by the People of Israel, or the Parliament of England, is to assert the People into the mighty Liberty of being free from the whole moral Law; and, inasmuch as to be the Adviser or Persuader of a thing, is less than to be the Author or Commander of it, to put an Indignity upon God himself.* In which Fopperies the Prevaricator, boasting of Principles, but minding none, first confounds Authority and Command or Power; and next forgets that the dignity of the Legislator, or, which is all one, of the Senate succeeding to his Office, as the *Sanhedrim* to MOSES, is the greatest dignity in a Common-wealth: and yet that the Laws or Orders of a Common-wealth derive no otherwise, whether from the Legislator, as MOSES, LYCURGUS, SOLON, &c. or the Senate, as those of *Israel*, *Lacedemon*, or *Athens*, than from their Authority receiv'd and confirm'd by the Vote or Command of the People. It is true, that with Almighty God it is otherwise than with a mortal Legislator, but thro' another Nature which to him is peculiar, from whom as he is the cause of being, or the Creator of Mankind, Omnipotent Power is inseparable; yet so equal is the goodness of this Nature to the greatness thereof, that as he is the cause of well-being by way of Election, for example in his chosen People *Israel*, or of Redemption, as in the Christian Church, himself has prefer'd his Authority or Proposition before his Empire. What else is the

Confid. p. 33.
35.

Occana, p. 51.

Confid. p. 35.
40.

Book I. meaning of these words, or of this proceeding of his? *Now therefore*
 if ye will obey my Voice indeed, and keep my Covenant, ye shall be to me a
 Kingdom, or I will be your King; which proposition being voted by
 the People in the Affirmative, God proceeds to propose to them the ten
 Commandments in so dreadful a manner, that the People being ex-
 ceedingly afrighted, say to MOSES, *Speak thou with us, and we will*
hear thee: that is, be thou henceforth our Legislator or Proposer, and
 we will resolve accordingly; *but let not God speak with us, lest we die.*
 From whenceforth God proposes to the People no otherwise than by
 MOSES, whom he instructs in this manner; *These are the Judgments*
which thou shalt propose or set before them. Wherefore it is said of the
 Book of Deuteronomy, containing the Covenant which the Lord com-
 manded MOSES to make with the Children of Israel in the Land of
 Moab, besides the Covenant which he made with them in Horeb; *This is*
the Law which MOSES set before the Children of Israel. Neither did
 God in this case make use of his Omnipotent Power, nor CHRIST
 in the like, who also is King after the same manner in his Church, and
 would have been in *Israel*, where when to this end he might have
 muster'd up Legions of Angels, and been victorious with such Armies,
 or *Argyraspides*, as never Prince could shew the like, he says no more
 than, *O Jerusalem, Jerusalem, how often would I have gather'd thee and*
thy Children, as a Hen gathers her Chickens under her wings, and ye would
not? where it is plain that the *Jews rejecting CHRIST, that he*
should not reign over them, the Law of the Gospel came not to be the
 Law of the *Jews*; and so if the ten Commandments came to be the
 Law of *Israel*, it was not only because God propos'd them, seeing
 Christ also propos'd his Law, which nevertheless came not to be the Law
 of the *Jews*, but because the People receiv'd the one, and rejected the
 other. It is not in the nature of Religion that it should be thought a
 profane saying, that if the Bible be in *England*, or in any other Go-
 vernment, the Law or Religion of the Land, it is not only because
 God has propos'd it, but also because the People or Magistrate has re-
 ceiv'd it, or resolv'd upon it; otherwise we must set lighter by a
 Nation or Government than by a private Person who can have no part
 nor portion in this Law, unless he vote it to himself in his own Con-
 science, without which he remains in the condition he was before, and
 as the Heathen, *who are a Law to themselves.* Thus whereas in a Co-
 venant there must be two Parties, the Old and New Testament being
 in some the Old and New Covenant; these are that Authority and
 Proposition of GOD and CHRIST, to which they that refuse their
 Vote or Result may be under the Empire of a Clergy, but are none
 of his Common-wealth. Nor, seeing I am gone so far, does this at
 all imply Free-will, but, as is admirably observ'd by Mr. HOBBS, the
 freedom of that which naturally precedes Will, namely, Delibe-
 ration or Debate, in which, as the Scale by the weight of Reason or
 Passion comes to be turn'd one way or other, the Will is caus'd, and
 being caus'd, is necessitated. When God comes in thus upon the Soul
 of Man, *he gives both the Will and the Deed;* from which like Office
 of the Senate in a Common-wealth, that is, from the excellency of their
 Deliberation and Debate, which prudently and faithfully unfolded to
 the People, does also frequently cause and necessitate both the Will and
 the Deed. God himself has said of the Senate, *that they are Gods;*
 an expression, tho' divine, yet not unknown to the Heathens; *Homo*
homini

homini Deus, one man, for the excellency of his Aid, may be a God to another. But let the Prevaricator look to it; for he that leads the blind out of his way, is his Devil. Chap. 8.

FOR the things I have of this kind, as also for what I have said upon the words *Chirotonia* and *Ecclesia*, the Prevaricator is delighted to make me beholden underhand to Mr. HOBBS, notwithstanding the open enmity which he says I profess to his Politics. As if JOSEPHUS upon that of SAMUEL, *They have not rejected thee, but they have rejected me that I should not reign over them*, had not said of the People (Θεὸν ἀπεχαιροτόνουν τῆς βασιλείας) that they unchirotoniz'd or unvoted God of the Kingdom. Now if they unchirotoniz'd or unvoted God of the Kingdom, then they had chirotoniz'd or voted him to the Kingdom; and so not only the Doctrine that God was King in *Israel* by Compact or Covenant, but the use of the word *Chirotonia* also in the sense I understand it, is more antient than Mr. HOBBS. I might add that of CAPELLUS, * *God was a Political King and Civil Legislator of the Jews*. And for the use I have made of the word *Ecclesia*, as no man can read such as have written of the *Grecian* Common-wealths, and miss it, so I do not remember that Mr. HOBBS has spoken of it. To these things fuller satisfaction will be given in the second Book; which nevertheless I do not speak to the end I might wave Obligation to so excellent an Author in his way. It is true, I have oppos'd the Politics of Mr HOBBS, to shew him what he taught me, with as much disdain as he oppos'd those of the greatest Authors, in whose wholesome Fame and Doctrine the good of Mankind being concern'd, my Conscience bears me witness that I have done my duty. Nevertheless in most other things I firmly believe that Mr. HOBBS is, and will in future Ages be accounted the best Writer, at this day, in the World. And for his Treatises of human Nature, and of Liberty and Necessity, they are the greatest of new Lights, and those which I have follow'd, and shall follow. 1. Sam. 8. 7.

CHAP. VIII.

Whether a Common-wealth coming up to the perfection of the kind, comes not up to the perfection of Government, and has no Flaw in it.

WHAT a Common-wealth coming up to the perfection of the kind is, I have shewn both by the definition of an equal Common-wealth, and the Exemplification of it in all the parts.

THE Definition is contain'd in the first of my Preliminaries; which, because it is short, I shall repeat.

An equal Common-wealth is a Government establish'd upon an equal Agrarian, arising into the Superstructures or three Orders, the Senate debating and proposing, the People resolving, and the Magistracy executing, by an equal Rotation, or interchangeable Election, thro' the suffrage of the People given by the Ballot. The Exemplification is the whole Common-

* Deus Populi Judaici Rex erat veluti politicus, & civilis Legislator. In *Diatriba de Voto Jephthæ*.

Book I. *wealth of Oceana.* Each of which by him, who, if his Doctrine of pure and absolute Monarchy be observ'd, can be no *Englishman*, is called an *Irish Bog*; as in some sense it is, seeing the Prevaricator has set never a foot in it that will stand, nor has more to say, than that *Where there is one ambitious poor man, or one vicious rich man, it is impossible there should be any such Government as can be secure from Sedition.*

Confid. p. 43.

WHICH, First, is rather to make all Governments ineffectual, or to make all Governments alike, than to object against any, seeing That there should not be *one ambitious poor man, or one vicious rich man*, is equally, if not more, improbable in a Monarchy than in a Common-wealth.

SECONDLY, That one man alone, whether he be rich or poor, should without a Party be able to disturb a Common-wealth with Sedition, is an absurdity; nor is such a party, as may be able in some sort to disturb the Peace by robbing upon the Highway, or some such disorder, always able to disturb a Government with Sedition. Wherefore this feat goes not so much upon the ability of any one man, rich or poor, as the Power of the Party he is able to make; and this strength of the Party goes upon the nature of the Government, and the content or discontent thence deriving to the Few, or the Many. The Discontents, whether of the Few or the Many, derive from that which is, or by them is thought to be some bar to their Interest; and those Interests which are the causes of Sedition are three, the desire of Liberty, the desire of Power, and the desire of Riches; nor be there any more: for where the People thro' want of Bread, thro' Violence offer'd to their Women, or Oppression, rise up against their Governors, it relates to the desire of Liberty; those also under the name of Religion make not a fourth, but come to one of the three.

NOW to speak in the first place of the Many, and anon of the Few; the People in an equal Common-wealth have none of these three Interests: Not the desire of Liberty, because the whole Frame of an equal Common-wealth is nothing else but such a method whereby the Liberty of the People is secur'd to them: Not of Power, because the Power which otherwise they could not exercise, is thus estated in them: Nor of Riches, because where the Rich are so bounded by an Agrarian that they cannot over-balance (and therefore neither oppress the People, nor exclude their Industry or Merit from attaining to the like Estate, Power, or Honour) the whole People have the whole Riches of the Nation already equally divided among them; for that the Riches of a Common-wealth should not go according to the difference of men's Industry, but be distributed by the Poll, were unequal. Wherefore the People in an equal Common-wealth having none of those Interests which are the causes of Sedition, can be subject to no such effect.

TO affirm then with the Considerer, *that the whole of this Libration is reduc'd to the want of Power to disturb the Common-wealth*, must needs be a mistake, seeing in the Common-wealth propos'd the People have the Power, but can have no such Interest; and the People having no such Interest, no Party can have any such Power, it being impossible that a Party should come to over-balance the People, having their Arms in their own hands. The whole matter being thus reduc'd to the want of Power to disturb the Government; this, according to his own Argument, will appear to be the Libration in which the Power, whereof
the

the Governor is possess, so vastly exceeds the Power remaining with those who are to obey (which in case of contest must be so small a Party) that it would be desperately unreasonable for them to hope to maintain their Cause. If the true method then of attaining to perfection in Government be to make the Governor absolute, and the People in an equal Commonwealth be absolute, then there can be none in this Government, that upon probable terms can dispute the Power with the Governour, and so this State by his own Argument must be free from Sedition. Thus far upon occasion of the ambitious poor Man objected. I have spoken of the Many; and in speaking of the Many, implicitly of the Few: for as in an equal Commonwealth, for example in *England* during the Peerage or Aristocracy, the Many depended upon or were included in the Few; so in an equal Commonwealth the Few depend upon or are included in the Many, as the Senate of *Venice* depends upon, or is included in the Great Council, by which it is annually elected in the whole or in some part. So what was said in an equal Commonwealth of the Many or the poorer sort, is also said of the Few or of the Richer; who, thro' the virtue of the Agrarian, as in *Oceana*, or of other Orders supplying the defect of an Agrarian, as in *Venice*, not able to over-balance the People, can never have any Power to disturb the Commonwealth in case they had such an Interest, nor can have any such Interest in case they had such Power. For example in *Oceana*, putting the case that the Few were as powerful as it is possible they should be; that is, that the whole Land was fallen into five thousand hands: The five thousand, excluding the People, could get no more Riches by it, because they have the whole Land already; no more Liberty by it, because they were in perfect Liberty before; nor any more Power by it, because thro' the equality of the Balance, or of their Estates, they can be no more by themselves than an equal Commonwealth, and that they were already with the People: but would be much less, the Power or Commonwealth, in which there be five thousand Equals, being not greater, but much less than the Power or Commonwealth wherein the whole People are equal; because the Power or Effect of a greater People is proportionably greater than the Power or Effect of a lesser People, and the Few by this means would get no more than to be the lesser People. So the People being no bar to the Riches, Liberty, nor Power of the five thousand, and the desire of Liberty, Riches and Power, being the only causes of Sedition; there could arise no Sedition in this Commonwealth by Reason of the Nobility, who have no such Interest if they had the Power, nor have any such Power if they had the Interest, the People being equally possess of the Government, of the Arms, and far superior in number. In some, an equal Commonwealth consists but of one hereditary Order, the People, which is by election divided into two Orders, as the Senate and the Congregation in *Lacedæmon*, or the Senate and the Great Council in *Venice*; for the Gentlemen of *Venice*, as has been often said, are the People of *Venice*, the rest are Subjects. And an unequal Commonwealth consists of two Hereditary Orders, as the *Patricians* and *Plebeians* in *Rome*, whereof the former only had a hereditary Capacity of the Senate: whence it comes to pass that the Senate and the People in an equal Commonwealth having but one and the same Interest, never were nor can be at variance; and that the Senate and the People in an unequal Commonwealth having two distinct Interests,

Book I.  terefts, never did nor can agree. So an equal Common-wealth cannot be seditious, and an unequal Common-wealth can be no other than seditious.

IF a man be resolv'd, as the Considerer is, to huddle these things together, there is no making any thing of this kind of Policy; of which therefore it will be a folly to talk. For example, *Lacedemon* is either to be consider'd as not taking in the Helots; and then in herself she was an equal Common-wealth void of any Sedition, or cause of it, how much soever she were troubl'd with the Helots; So the Objection made by him, of her Troubles by the Helots, is impertinently urg'd, to shew that she was a seditious Common-wealth: Or if he will needs have it, that she took in the Helots, it is undeniable that she took them in inequally, and so was unequal; whence the Troubles by the Helots must needs be impertinently urg'd against an equal Common-wealth.

AGAIN, when I alledge *Venice* from PIERO GRADENIGO, that is, for the space of about four hundred years from the present date, at which time the Reformation, yet in force, began, as an Example of an equal Common-wealth; for him to instance in the times before, when tho' the Common-wealth, according to the intention, was as equal as now, yet being not bound by sufficient Orders to give herself security of her native Liberty, her Dukes on the one side did what they pleas'd, and the inrag'd People on the other side banish'd, condemn'd to death, or murder'd them; who sees not the Imposture? Indeed he blushes at it himself. Wherefore my assertion being not yet knock'd on the head, he promises to kill it better, first by the example of *Lacedemon leaving out the Helots*, and next by that of *Venice since the time of PIERO GRADENIGO*.

Confid, p. 60.

Pausan. Lacon.

Plut. Alcib.

FOR the first you must know that once upon a time there was a quarrel between CLEOMENES and DEMARATUS Kings of *Lacedemon* about Succession, which was derermin'd by the *Ephori*, that is, by a Court of Justice, and not by the Sword; the like happen'd in LEOTYCHIDES the known Bastard of ALCIBIADES, or so contest to be by his Mother to divers of her Maids. Now this is a Maxim in the Politicks, *Where the differences of Kings can go no further than a Court of Justice, there the Government is Seditious*. Most ridiculous! Is there a stronger Argument that such a Government is not seditious? No matter, give him room; *Much more fatal was the contest between CLEONYMUS and his Brother AREUS the Son of ACROTATUS, by whose War ZARAX was ruin'd, and PYRRHUS came into the game, who besieg'd the Capital City: the Reign of AGIS and CLEOMENES was so full of turbulency, as would put a man out of breath to relate*. Fair and softly: was not all this after LYSANDER, and the Spoils of *Athens* had broken the Agrarian, and so ruin'd *Lacedemon*? I affirm there can be no Sedition in an equal Common-wealth; and he to oppose me, shews that there was Sedition in an unequal one: whether does this affirm his Assertion or mine?

BUT for better luck in *Venice*. This City by Mr. HARRINGTON's own confession is possess'd of several Advantages. Yes, I say that the Common-wealth of *Venice*, thus seated, is like a man in a Citadel, who thereby may be the safer from his Enemies, but ne're a whit the safer from diseases. What conclusion would you expect he should infer from hence? *Why among these therefore there is good cause to reckon her*

Immu-

Immunity from Seditions: Does not our Logician repeat faithfully, and dispute honestly? Again, Sir, *she is like a Ship ready to be boarded by Pirates, has the Turk on this Frontier, the Pope on that, the King of Spain on another.* As if this were an Argument every Government must not be void of Sedition, seeing there is none except they be Islands; whose Frontiers are not bounded by the Territories of other Princes. Well, *but since the last Reglement* (in English, Reformation) *in the time of GRADENIGO*, you have had three Seditions in *Venice*, that of MARINO BOCCONI, that of BAIAMONTE TIEPOLO, and that of MARINO FALERIO.

BODIN has been long since beaten for this like Stock-fish, and yet our Author will be serving it up for a Courtly Dish. BOCCONI would have kill'd the Duke, but was hang'd before he could do it. FELTON kill'd a Duke that had greater power here than the other in *Venice*, and was hang'd afterwards, therefore *England* was a seditious Government; for this must either be undeniable for FELTON's sake, or why must the other be so for BOCCONI's? Again, FALERIO and his Complices would have destroy'd the Great Council, but were hang'd before they could do it. VAUX and his Accomplices would have blown up the Parliament, but were hang'd before they could do it; therefore *England* was in this relation a seditious Government, else why was *Venice*? There passes not a month but there die Rogues at Tyburn, is the Government therefore seditious? or is this one regard in which it is not? Where all that so invade the Government are by virtue of the same brought to that end, there the Common-wealth, or the Orders of it, are not the cause but the cure of Sedition; and so these are undeniable Arguments that *Venice* is not seditious, where, since the Reformation, there has not been a cut finger upon this score, save only thro' the conspiracy of BAIAMONTE, which indeed came to blows. Nor for this yet can *Venice* be call'd a seditious Common-wealth. You find no man accusing *Rome* of Sedition, in that she had a MANLIUS or a MELIUS that dangerously affected Monarchy, because to these her Orders, by which they suffer'd Death, as soon apply'd the Remedy. But *Rome* was a seditious Common-wealth, because the perpetual feud that was between the Senate and the People sprung out of her Orders, and was that to which there was no Remedy to apply. *England* was not a seditious Government because it had a VAUX or a FELTON, but because the Power antiently of the Nobility, and late of the People, was such by the Orders of the same as might at any time occasion Civil War. Put the case a Slave or some desperate fellow has kill'd the Great Turk, the Government for that cannot be said to be seditious, but in this, that thro' the very nature of the Policy, the Janizaries at any time may do as much, it is undeniably seditious. BAIAMONTE's Conspiracy he will not say was of this nature. It was not a Disease in the Bones of the Common-wealth, but a thing that no sooner appear'd, or broke out (tho' it be true, there happen'd a little scratching first) than it fell off like a Scab; such an accident may befall the best Constitution, and *Venice* never had the like but once: if he could say as much of a Monarchy, he gains no advantage; yet let him say it, and prove it, I give him all. I omit many Falshoods and Absurdities in the proceeding of the Prevaricator, as where he intimates the Power of the Dukes to have been that whereby *Venice* gain'd I know not what, and yet to have been

Book I. been that also by which FALERIO had like to have spoil'd all: each of which, the Duke of *Venice* having no power at all, is known to be false. Why should I stay to put you in mind that having affirm'd *Venice* to derive her Immunity from intestine Discord no otherwise than a Ship that is ready to be boarded by Pirates, he instances in such examples to the contrary, as took occasion by the hair of a foreign scalp, while in those of BOCCONI and TIEPOLO the Common-wealth by her Wars with the *Genoefes* and *Ferrara*, was put to her plunges, and in that of FALERIO reduc'd to the last extremity? I shall only note, that if such sudden flashes as these may come under the name of Sedition, he has done a fine Office for Monarchy, seeing no Senate is so much expos'd to like blows as any Prince.

WELL; but for all this it is confess'd that there may be such a thing as a seditious Common-wealth, in that the feud between the Senate and the People of *Rome* could not be cur'd; *What Security*, says he, *will you give us, that the like may not happen in Oceana, or that the whole body of the People being intrusted with giving a Vote, and keeping a Sword, may not by way of Council or Arms, fall to such work as levelling the five thousand, or bringing the Agrarian from two to one thousand pounds a year, or less, as they fancy?*

TO which I answer by a like question, What security will he give me that the People of any Common-wealth shall not cast themselves into the Sea? A Prince may be mad, and do so, but the People are naturally incapable of such madness. If Men will boast of their knowledge in Principles, and yet talk of nothing but effects, why may not a Man fly as well as a Bird? but if Causes may be regarded, let him once shew how the Will, seeing it is not free, nor mov'd without some Object, should move the People in such a manner; or for what, they having all the Liberty and all the Power that can be had, should it strive? Well, that is soon done, for *the Land may come into the hands of five thousand, and so the Booty may be great, and the resistance small.* Good: The *Romans* being the wisest of all People, went no further towards the Remedy of their Grievances, than to strive for the introduction of an Agrarian, in which they faint'd too, even to the destruction of that Government. Except these, none have been so wise; and if there be any such thing familiar with the nature of the People, why appear'd it but once, and then vanish'd without effect? why did not the People for example under the late Monarchy (when the Dominion or Freehold of the Nation, by greater shares, was in a smaller Party, and they had not only Riches, but Liberty and Power too, to whet them on) ever so much as think of levelling three hundred Men? for the Nobility and Clergy, in whom was the Balance, were no more. If it be reply'd that the People were not arm'd; by whom did the Barons make War with the Kings? If they were not trusted with a Vote; what was that of the House of Commons? Let Dominion or Freehold stand upon what balance you will, unequal or equal, from the beginning of the world you shall never find a People turning Levellers. And as Reason is Experience in the root, so Experience is Reason in the branch, which might therefore be sufficient in the case. Nevertheless for clearer satisfaction in a point of such concernment, I shall endeavour to dig up and discover the root of this branch, or the reason of this Experience. That which in Beasts is Instinct, whereof they can give no account, is in it self that Wisdom of God whereby

whereby he provides for them; so it is with the People, they are not Levellers, nor know they why, and yet it is, because to be Levellers were to destroy themselves. For, seeing I must repeat, to repeat briefly there is no Territory of any Extent and Populousness where the Revenue of Industry is not twice as much as the dry Rent. This has been demonstrated in *Oceana*. The Revenue of Industry is in those that work, that is, the People: Wherefore the Revenue of the People, where their Industry is not obstructed, is twofold to that of the Nobility, holding the whole Territory in Freehold. But where their Industry is obstructed, their Revenue is nothing. Civil War being of all other the greatest Obstruction of Industry, the People in taking Arms must venture all they have, for that, which if they obtain they lose two for one; and if they obtain not, all for nothing. Wherefore a People never will, nor ever can; never did, nor ever shall take Arms for Levelling. *But they are intrusted with a Vote*; and therefore taking away the Lands of the five thousand, or diminishing the Agrarian by way of Council, they need not obstruct their Industry: but, preserving the Revenue of that, may bring themselves into the possession of the Land too. This will they, this can they less do, because being in Council, they must propose something for the advantage of the Common-wealth, or of themselves, as their end in such an Action. But the Land coming to be in the Possession of five thousand, falls not into a number that is within the compass of the Few, or such an one as can be Princes, either in regard of their Number, or of their Estates; but to such an one as cannot consent to abolish the Agrarian, because that were to rob one another: nor can they have any Party among them, or against their common Interest, strong enough to force them, or to break it: which remaining, the five thousand neither are nor can be any more than a Popular State, and the Balance remains every whit as equal, as if the Land were in never so many more hands. Wherefore the Common-wealth being not to be better'd by this means, the People by Council can never go about to level nor diminish the Agrarian for the good of the Common-wealth. Nor can they undertake it for the enrichment of themselves, because the Land of *Oceana*, as has been demonstrated, being levell'd or divided equally among the Fathers of Families only, comes not to above ten pounds a year to each of them, whereas every Footman costs his Master twenty pounds a year; and there is not a Cottager having a Cow upon the Common, but with his own Labour, at one shilling a day, gets twenty pounds a year; which, the Land being level'd, were impossible, because there would be no body able to set a Labourer on Work, or to keep a Servant: Wherefore neither would, nor could the People by Council go about any such business. So there being no possible cause of Disagreement between the Few and the Many, the Senate and the People, there can be no such effect; whence this is the Government, *which being perfectly equal, has such a Libration in the frame of it, that no man in or under it can contract such an Interest or power, as should be able to disturb the Common-wealth with Sedition.* Yet after all this, the Prevaricator will only tell Mr. HARRINGTON (for to deny the Conclusion is a fair way of disputing) *that this Libration is of the same nature with a perpetual Motion in the Mechanics.* But let me tell him, that in the Politics there is nothing mechanic, or like it. This is but an Idiotism of some Mathematician

Chap. 8.

Confid. p. 67.

Y y y

matician

Book. I. mathematician resembling his, who imagin'd the Stream of a River to be
 like that of his Spiggot.

*Rusticus expectat dum defluat amnis, at ille
 Labitur & labetur in omne volubilis ævum.*

*The silly Swain upon a River stood,
 In hope the rolling bottom of the Flood
 Would once unwind it self, whose liquid Clew
 The silver Thread for ever shall renew.*

The Mathematician must take not God to be such an one as he is. Is that of the Sun, of the Stars, of a River, a perpetual Motion? Even so *one Generation goes and another comes.* Nature, says GALEN, *has a tendency to make her Creature immortal, if it were in the capacity of the matter on which she has to work :* but the People never dies. This motion of theirs is from the hand of a perpetual Mover, even God himself, *in whom we live and move and have our being ;* and to this Current the Politician adds nothing but the Banks, to which end, or none, the same God has also created human Prudence. Wherefore there is not any thing that raises itself against God or Right Reason, if I say that it is in human Prudence so to apply these Banks, that they may stand as long as the River runs ; or let this Considerer consider again, and tell me out of Scripture or Reason, why not. Mathematicians, it is true, pretended to be the Monopolists of Demonstration ; but speak ingeniously, have they, as to the Politics, hitherto given any other Demonstration, than that *there is a difference between Seeing and making of Spectacles ?* Much more is that Comparison of the Politics, going upon certain and demonstrable Principles, to Astrologers and Fortune-tellers, who have none at all, vain and injurious. For as in relation to what DAVID has said, and Experience confirm'd, of the Age of Man, that it is *threescore years and ten ;* I may say, that if a Man lies bed-ridden, or dies before threescore years and ten, of any natural Infirmary or Disease, it was not thro' any imperfection of Mankind, but of his particular Constitution : So in relation to the Principles and Definition of an equal Common-wealth yet unshaken, nay untouch'd by this Prevaricator, I may safely affirm, that a Common-wealth is a Government, which if it has been seditious, it has not been from any imperfection in the kind, but in the particular Constitution, which where the like has happen'd, must have been unequal. My Retreat to these Principles is call'd *running into a Bog ;* as if such as have no Principles were not Bogs, *Informis limus, Stygiæque paludes.*

C H A P. IX.

Whether Monarchy coming up to the Perfection of the kind, comes not short of the perfection of Government, and has not some Flaw in it. In which is also treated of the Balance of France; of the Original of a landed Clergy of Arms, and their kinds.

ON Monarchy I have said, that whereas it is of two kinds, the one by Arms, the other by a Nobility; for that by Arms, as (to take the most perfect model) in *Turky*, it is not in Art or Nature to cure it of this dangerous flaw, that the *Janizaries* have frequent Interest, and perpetual Power to raise a Sedition, or tear the Magistrate in pieces. For that by a Nobility, as (to take the most perfect Model!) of late in *Oceana*, it was not in Art or Nature to cure it of that dangerous flaw, that the Nobility had frequent Interest and perpetual Power by their Retainers and Tenants to raise Sedition, and levy War; whence I conclude that Monarchy reaching the perfection of the kind, reaches not the perfection of Government, but must still have some dangerous flaw in it.

THIS place (tho I did not intend by it to make work for a Tinker) could not be of less concernment, than it proves to the Prevaricator, who, as if he were obliged to mend all, falls first to patching with a Monarchy by Arms, then with a Monarchy by a Nobility; at length despairing, throws away each, and betakes himself with egregious confidence, to make out of both a new Monarchy, which is neither. By observation of these three flourishes, the present Chapter may be brought into some method. The first blow of his Hammer, or that whereby he intends the flaw or hole in Monarchy by Arms shall henceforth be mended and tite, is this: *That the Guards of the King's Person be not increased beyond the necessity of security; that they be not suffered to stagnate at Court, but be by a perpetual circulation drawn out upon service; and chiefly that they consist not of one entire Body united under the same Head, but be divided into distinct Parties and Commands; as we may see in France, where, (tho' in proportion to the extent of their Dominions) the King's Guards be more numerous than those of the Roman or Turkish Emperors, yet being divided into distinct Bodies of French, Scots, and Switzers, under their several Colonels and Captains, they have never been the Authors of any the least Sedition. And in Turkey of late years they begin to learn the Art of poisoning the Janizaries by the Spahys, and so have frequently evaded the danger of their Mutinies.* Which fine work at first view goes upon this false ground, that the Foundation of Monarchy by Arms is laid upon the Princes Guards, or the Court of Militia, whereas Monarchy by Arms consists in no other Balance than the Princes being sole Landlord, which, where imperfect, as it was in that of the *Roman* Emperors, the Empire is the most troubl'd, and where perfect, as in *Turky*, the Empire is less seditious. For that which he says of *France*, it relates to Monarchy by a Nobility; and therefore is not to be confounded, according to his method, with this, but refer'd to the next branch.

Confid. p. 28.

Book I.

AS to Monarchy by Arms, tho' it be true that the balance of Dominion in any of the three kinds may be said to be natural; in regard of the effect; yet seeing God *has given the Earth to the Sons of Men*, that of a sole Landlord, as *Turky*, is not so natural in the cause or foundation, as the *Timars*, and therefore requires the application of some kind of force, as the *Janizaries*, who are not the root of the Government, that being planted in the Earth of the *Timars*, or military Farms and Colonies (for that the *Janizaries* are not the foundation of this Empire, which was founded long before, is plain, in that this Order was not introduced till AMURATH the Second) but the Dragon that lies at that root, and without which the Fruit would fall into the mouths of the *Timariots* by way of Property (as when the Knights fees granted first for life, and became afterwards hereditary in *Oceana*) which would cause such a fall from Monarchy, that it would become, as we have seen, the rise of popular Power (the Lots, in case this should happen, of the *Timariots*, little differing from those divided by JOSHUA to the Children of *Israel* (wherefore when this happens in the *Turkish* Monarchy, it is at an end. And that this does not happen, tho' there be divers other concurrent Policy's, I would have any man shew me, how it could be but for the *Janizaries*. Otherwise it is plain that the *Janizaries* being a flying Army, on wing at all games, and upon all occasions, are not so much the guard of the Prince, as of the Empire; which ruin'd, the Prey falls to the *Timariots*, as those that are in possession, except these be ruin'd too, who being all Horse, and far greater in number than the *Janizaries* that are Foot, would in case the awe of the Prince, and the Policy of the Government which holds them divided, were broken) be invincible by the *Janizaries*, who nevertheless by these aids can easily contain them. Whence the Sedition of the *Janizaries*, like that of a Nobility, may be dangerous to the Prince, but never threatens the Throne; whereas the Sedition of the *Timariots*, like that of a People, would be more against the Throne than the Prince. These things consider'd, and in them the Nature, Constitution, or Disease of Monarchy by Arms, we may consult the more rationally with the Considerer upon the Applications or Remedies by him offer'd, which are three.

FIRST, *That the Guards of the King's Person be not increased beyond the necessity of Security.* But of what Security, that of his Person, or of his Empire, or of both? for speaking of a Monarchy by Arms, in this latter Sense only it is true: and if so, then this singular Maxim of State (*Frustra fit per plura, quod fieri potest per pauciora*) might have been spar'd (*Cela s'en va sans le dire, comme les heures de nostre cure.*)

SECONDLY, *That they be not suffered to stagnate at Court, but be by a perpetual circulation drawn out upon service;* for if there be not perpetual service, it should seem, men might be apt to think that Government was instituted for Peace as well as War. I add no more than is imply'd in his words, which as to this of *Turky* have chanc'd well: where not the Stagnation of the *Janizaries* only, but of the Court it self (which by the institution should always be in exercise of Arms) is the cause of that present decay, so perceivable in this Empire. But the Prince sitting still or stagnating, to what the Circulation of the *Janizaries* (whose Alienation from the Government, or Intelligence with the *Timariots*, must needs be of dangerous consequence) could

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tend, should have been thought on: otherwise to expose the Empire to danger for the safety of the Prince, is no cure of the Government. Chap. 9.

BUT his chief Remedy remains: *This Court Militia must not consist of one intire body united under the same head, but be divided under several Colonels, Captains, Parties Brigades, and distributed to several Quarters.* As if this were a cure, there were any Army that could be mutinous: but where he says, *not united under the same Head*, he intimates perhaps divers Generals, and divers Armies; now such are the *Turkish Beglerbegs*, and the Provinces under their Governments. That these therefore be kept divided, so that not any two of them can lay their heads together without having them cut off, nor any Son succeed the Father in Government, requires that there be always a sufficient force (distinct from the Interest of the *Timariots* and *Beglerbegs*) united, and still ready upon occasion of this service; and the *Janizaries* with the *Spahies* or Court-Horse being united, are no more than sufficient for this service. Wherefore if these also were so divided as thereby to be weaken'd, they could not be sufficient for this service; and their division, except such as might weaken them, would be of no security to the Prince. That the Provinces, under this awe, are less apt to rebel, than the Court-Guards to mutiny, is no wonder; but the Court-Guards being cur'd by the prescription of this Physician, of the possibility of Mutiny, which without weakening them is impossible, the Provinces, if Liberty, or Riches, or Power be desirable, would never indure the yoke of this Government. Wherefore it being unavoidable in the *Turkish* Empire, that either the *Janizaries*, or the *Timariots* may do what they list (in regard that whether of them be able to give Law to the other, must at the same time be able to give Law to the Prince; and to bring them to an equal Balance, were to make a Civil War, or at least to sow the Seed of it) the native Wound of Monarchy by Arms remains incur'd and incurable. What more may be done for Monarchy, *founded upon a Nobility*, comes next to be try'd. In this the Considerer gives his word, *that there never rises any danger to the Crown, but when either a great part of the Sovereign Power is put into the hands of the Nobility, as in Germany and Poland* (where it should seem by him, that the Electors and the Gentry do not put Power into the hands of the Emperor, or King, but the Emperor or King puts Power into the hands of the Electors or Gentry) *or when some Person or Family is suffer'd to over-top the rest in Riches, Commands, and Dependence, as the Princes of the Blood and Lorrain, not long since, in France; and of old the MONTFORTS and NEVILS in England.* The first of these he declares to be *a vicious Government, and a Monarchy only in name*: The second he undertakes shall *easily admit of this Remedy; That the great ones be reduc'd (decimo sexto) to a lesser Volume, and level'd into an Equality with the rest of their Order.* Confid. p. 47.

HIS Putpin is pretty: *The Emperor puts Power into the hands of the Electors; and the King of Poland puts Power into the hands of the Gentlemen: Which Governments therefore* (and all such like, as when the King of England did put Power into the hands of the Barons, at such a time as he was no longer able to keep it out of their fingers, by which means the antient and late Government of King, Lords and Commons, was restor'd) *are vicious Constitutions, and Monarchies only in name; such as he will not meddle with, and therefore let them go.* Well; but where is the Patient then? if these be not Monarchies by Nobility,

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Book. I. *what do we mean by that thing? or what Government is it that we are to cure? Why such a one, where some Person or Family is suffer'd to over-top the rest in Riches, Commands, and Dependence, as the Princes of the Blood and Lorrain, not long since, in France; and of old the MONTFORTS and the NEVILS in England. So then the same again (for these are no other) upon recollection, are those that admit of this easy cure. Let the great Ones be reduc'd to a lesser Volume, and level'd with the rest of their Order. But how? if they be the weaker Party, they are not the Great Ones; and if they be the stronger Party, how will he reduce them? Put the case a man has the Gout, his Physician does not bid him reduce his over-topping Toes to the Volume of the other Foot, nor to level them to equality with the rest of their Order, but prescribes his Remedies, and institutes the Method that should do this feat. What is the Method of our ÆSCULAPIUS? Point de Nouvelle; or where are we to find it? e'en where you please. The Princes of the Blood, and of Lorrain in France; the MONTFORTS and the NEVILS in England, over-top'd not their Order by their own Riches or Power, but by that of the Party, which for their Fidelity, Courage, or Conduct, intrusted them with the managing of their Arms or Affairs. So the Prince that would have level'd them, must have level'd their Party; which in case the Controversy be upon the Right, or pretended Right of the Nobility in the Government, which commonly makes them hang together, may come to the whole Order: what then? Why then, says he, the Prince must preserve his Nobility weighty enough to keep the People under, and yet not tall enough in any particular Person to measure with himself: which abating the figure, is the same again; and so I have nothing to answer but the figure. Now for this, the Prince himself is no otherwise tall, than by being set upon the shoulders of the Nobility; and so if they set another upon the same shoulders (as in HENRY the 4th or the 7th, who had no Titles to the Crown, nor could otherwise have measur'd with the Prince) be he never so low, he comes to be tall enough in his particular person to measure with the Prince, and to be taller too, not only by those old examples, but others that are younger than our selves, tho' such (the Nobility having not of late been weighty enough to keep the People under) as derive from another Principle, that of popular Balance. A Prince therefore preserving his Nobility weighty enough to keep the People under, must preserve in them the balance of that kind of Empire: and the balance containing the Riches, which are the Power, and so the Arms of the Nation; this being in the Nobility, the Nobility, when willing, must be able to dispose of the King, or of the Government. Nor under a less weight is a Nobility qualify'd to keep down the People, as by an Argument from the contrary. HENRY the 7th having found the strength of his Nobility, that set him in a Throne to which he had no right, and fearing that the Tide of their Favour turning, they might do as much for another, abated the dependence of their Tenants, and cut off their Train of Retainers; which diminution of their weight, releasing the People by degrees, has caus'd that Plain or Level into which we live to see the Mountain of that Monarchy now sunk and swallow'd: wherefore the Balance of the Nobility being such as failing, that kind of Monarchy comes to ruin; and not failing, the Nobility, if they join, may give Law to the King, the inherent disease of a Monarchy by a Nobility remains also uncur'd, and incurable.*

THESE

THESE are points to which I had spoken before; but something concerning *France* and foreign Guards was mumbld by the Prevaricator in a wrong place, while he was speaking of *Turky*, where there is no such thing. This, lest I be thought to have courted opposition for nothing, shall open a new Scene; while I take the occasion in this place to speak first of the Balance of the *French* Monarchy, and next of the Nature and Use of foreign Guards.

Chap. 9.

The Balance of France.

THE whole Territory of *France*, except the Crown Lands, which on this account are not considerable, consists of three shares or parts, whereof the Church holds one, the Nobility another; and the Presidents, Advocates, other Officers of the Parliaments, Courts of Justice, the Citizens, Merchants, Tradesmen, the Treasurers, Receivers of the Customs, Aids, Taxes, Impositions, Gabels, all which together make a vast body, hold a third: by how equal Portions I am sorry that I do not know, nor where to learn; but this is the Balance of the *French* Monarchy, to which the Peasant holding nothing, but living (tho' in one of the best Countries of the World) in the meanest and most miserable condition of a Labourer, or Hind, is of no account at all.

THE Parties that hold the Balance in a Territory are those of whom the Government does naturally consist, wherefore these are call'd Estates; so the Clergy, the Nobility, and the Commons, are the three Estates of *France*. Tho' the third, because the Peasant partaking not of the Balance can (in relation to Government) be of no account, is not call'd the Commons, but only the third Estate: whereas the Yeomanry and Gentry in *England* having weigh'd as well in the Balance as the Church and the Nobility, the three Estates of *England* (while the Monarchy was in vigour) were the Clergy, the Nobility, and the Commons.

*The Consent of Nations evinces that the Function of the Clergy, or Priest, except where otherwise determin'd by Law, appertains to the Magistrate. By this right NOAH, ABRAHAM, JOB, with the rest of the Patriarchs, instructed their Families, or sacrific'd. There seems to have been a kind of Common-wealth in Canaan, while MELCHISEDEC was both King and Priest. Such also was MOSES till he consecrated AARON, and confer'd the Priesthood upon the Levites, who are expressly said to succeed to the first-born, that is to the Patriarchs, who till then exercis'd that Function. Nor was it otherwise with the Gentiles, where they, who had the Sovereign Power, or were in eminent Magistracy, did also the Priestly Office (omnino apud veteres qui rerum potiebantur, iidem Auguria tenebant: ut enim sapere, sic divinare, regale ducebant, says CICERO; and VIRGIL, REX ANIUS, Rex idem hominum, PHOEBIQUE Sacerdos.) You find the Heroes, that is Princes, in Poets, sacrificing. The Ethiopian, Egyptian, Lacedemonian Kings did the like. In Athens constantly and in Rome, when they had no Kings, occasionally they elected a Rex sacrorum, or King Priest. So that a free People had thus far Power of electing their Priests, is not deny'd by any man. This came, it should seem, to be otherwise establish'd by the Law in *Egypt*, where the Priests (whose Lands JOSEPH when he bought those of the People did not buy) being great Landlords, it may be to the Third of the whole Territory, were one of the three Estates of the Realm. And it is clear in Scripture that the People, till they sold their Lands, became not Servants to*

Grotius de
Imp. Sum.
Pot. circa
sacra. C. 2.
S. 4.

Original of a
Landed Clergy.

Gen. 47. 22.

PHA-

Book I.
 Xenoph. in
 Orat. de Agef.

L. 1.

PHARAOH. While AGESILAUS was in *Egypt* they depos'd their King, which implies the recovery of their Balance; but so, seeing they set up another, as withal shews the Balance of the Nobility to have been predominant. These Particulars seem to come near to the account of DIODORUS SICULUS, by whom the Balance of *Egypt* should have stood thus: *The whole Revenue was divided into three Parts, whereof the Priest had the first, the King had the second, and the Nobility had the third.* It seems to me that the Priests had theirs by their antient Right and Title, untouch'd by JOSEPH; that the Kings had all the rest by the purchase of JOSEPH; and that in time, as is usual in like cases, a Nobility came thro' the bounty of succeeding Kings to share with them in one half. But however it came about, *Egypt* by this means is the first example of a Monarchy upon a Nobility, at least distributed into three Estates by means of a Landed Clergy, which by consequence came to be the greatest Counsellors of State, and, fitting Religion to their uses, to bring the People to be the most superstitious in the whole World.

WERE it not for this Example, I should have said, that the Endowment of a Clergy or religious Order with Lands, and the erecting of them into an Estate of the Realm or Government, were no antienter than the *Goths* and *Vandals*, who introducing a like Policy, which to this day takes place throughout the Christian World, have been the cause;

FIRST, Why the Clergy have been generally great Counsellors to Kings, while the People are led into Superstition.

SECONDLY, By planting a religious Order in the Earth, why Religion has been brought to serve wordly ends.

Thucyd. 1. 1.

AND, Thirdly, by rendering the Miter able to make War; why of latter Ages we have had such a thing as War for Religion, which till the Clergy came to be a third State or Landlords, was never known in the World: For that some Cities of *Greece*, taking Arms upon the Usurpation or Violation of some Temple, have call'd it the *Holy War*; such Disputes having been put upon matter of Fact, and not of Faith, in which every man was free, came not to this account. MOSES was learn'd in all the Learning of the Egyptians; but a Landed Clergy introduc'd he not in *Israel*: nor went the Apostles about to lay any such Foundation of a Church. Abating this one example of *Egypt*, till the *Goths* and *Vandals*, who brought in the third Estate, a Government, if it were unequal, consisted but of two Estates; as that of *Rome*, whether under the Kings or the Common-wealth, consisted of the *Patricians* and *Plebeians*, or of the Nobility and the People. And an equal Common-wealth consists but of one, which is the People: for example of this you have *Lacedemon* and *Venice*, where the People being few, and having many Subjects or Servants, might also be call'd a Nobility, as in regard of their Subjects they are in *Venice*, and in regard of their Helots or Servants, they might have been in *Lacedemon*. That, I say, which, introducing two Estates, causes Division, or makes a Common-wealth unequal, is not that she has a Nobility, without which she is depriv'd of her most special Ornament, and weaken'd in her Conduct, but when the Nobility only is capable of Magistracy, or of the Senate; and where this is so order'd, she is unequal, as *Rome*. But where the Nobility is no otherwise capable of Magistracy, nor of the Senate, than by Election of the People,

People, the Common-wealth consists but of one Order, and is equal, Chap. 9.
as *Lacedemon* or *Venice*.

BUT for a Politician commend me to the Considerer, he will have *Rome* to have been an equal Common-wealth, and *Venice* to be an unequal one, which must be evinced by wiredrawing. For having elsewhere, as has been shewn, admitted without opposition that the Balance of *Empire* is well divided into national and provincial, the humour now takes him to spin that wedge into such a thread, as by intangling of these two, may make them both easy to be broken. Hereto he betakes himself in this manner. As Mr. HARRINGTON has well observ'd (p. 40.) where there are two Parties in a Republick with equal Power (as in that of *Rome*, the People had one half, and the Nobility had the other half) Confusion and Misery are there intail'd. For remedy whereof, or to avoid this, there can be no way but to make the Common-wealth very unequal.

Confid. p. 16.
69.
70.

In answer to this, there will need no more than to repeat the same things honestly. Mr. HARRINGTON speaks of the national Balance of *Empire* (p. 40.) to this sense: *Where the Nobility holds half the Property, or about that proportion, and the People the other half* (the shares of the Land may be equal; but in regard the Nobility have much among Few, and the People little among many, the Few will not be contented to have Authority, which is all their proper share in a Common-wealth, but will be bringing the People under Power, which is not their proper share in a Common-wealth; wherefore this Common-wealth must needs be unequal. And except by altering the Balance as the *Athenians* did by the *Sisæthia*, or recision of Debts; or as the *Romans* went about to do by an Agrarian, it be brought to such an equality, that the whole Power be in the People, and there remain no more than Authority to the Nobility) *there is no remedy but the one* (with perpetual feud) *will eat the other, as the People did the Nobility in Athens, and the Nobility of the People in Rome.* Where the Carcase is, there will be the Eagles also; where the riches are, there will be the Power. So if a few be as rich as all the rest, a few will have as much Power as all the rest; in which case the Common-wealth is unequal, and there can be no end of staving and tailing, till it be brought to equality. Thus much for the national Balance; For the provincial, there Power does not follow Property, but the contrary: This the Prevaricator having acknowledg'd, lets slip, to the end he may take a gripe of *Venice*, which (because the three or four thousand of which originally consisted, and now consists that whole Government, having acquir'd Provinces, and an increase of their City by later comers, do not admit these to participation of Power) he says is an unequal Common-wealth. He will be a Mill-horse, whether the *Cake* be *Dow* or *not*; for this is to draw in a circle: and *Rome*, which by his former Arguments should have been equal, by this again must be unequal, seeing *Rome* as little admitted her Provinces into the body of the Common-wealth, as does *Venice*. This clasp is but by way of Parenthesis; to return therefore to the business in present agitation.

THE Estates, be they one, or two, or three, are such (as was said) by virtue of the Balance, upon which the Government must naturally depend. Wherefore constitutively the Government of *France* (and all other Monarchies of like Balance) was administer'd by an

Book I. Assembly of the three Estates; and thus continued till that Nation being vanquish'd by the *English*, CHARLES the 7th was put to such shifts as, for the recovery of himself in the greatest distress, he could make. To which recovery, while the Estates could not be legally call'd, he happening to attain without them, so ordered his affairs, that his Successors, by adding to his Inventions, came to rule without this Assembly; a way not suting with the nature of their Balance, which therefore required some Assistance by force, and other concurring Policies of like nature, whereof the foreign Guards of that Monarchy are one; the great baits alluring the Nobility another; and the emergent Interest of the Church a third.

TO begin with the last of these; the Church (except it be in a War for Religion, as when they join'd with the Princes of *Lorrain*, and what Party of the *French* Nobility were made, or they could make against the King of *Navar*) are not of themselves so hot at hand, or prompt to Arms: but the King being (to use their word) no Heretic, thro' their great apprehension of the third Estate, as that which is most addicted to the Protestant Religion, may be confident they will never side with the People. So by this emergent Interest or Accident he has the Church sure enough.

FOR the Nobility, which is exceeding gallant, this Change has the greatest baits; for whereas the Church being not spar'd, the third Estate is laden, and the Peasant overladen with Taxes, the Nobility is not only at better ease in this regard, but for the greater or more considerable part, receives advantage by it: the King having always, whether in Peace or War, a great Cavalry, than which there is no better in the world for the Exercise, Entertainment, and Profit of the Nobility; Governments of Cities, Castles, Provinces in abundance, which he rarely distributes to any other. The greater Nobility are Marechals, Generals; the less Officers in the Armies, specially of the Horse, the Emoluments whereof they receive also in time of Peace; and many of this Order being Pensioners, taste of the King's Liberality, without taking Pains, or having any Imployment at all. By which both that *France* is a Monarchy by a Nobility, and how she holds her Nobility, is apparent.

NOW the Church and the Nobility standing thus ingag'd to the King, by which means he has two parts of the Balance to one, it is demonstrable that the Government must be quiet. Nor, seeing the Church for the reason shewn is sure enough, comes the Government (since the Protestant Cities and Holds were demolished) to be otherwise disquieted than by the flying out of the Nobility, which, whenever it happens in any party considerable, either for the Number, or the Interest, causes the Crown to shake; for it seldom comes to pass upon this Occasion, but the third Estate, or some part of it, take up Arms immediately. In which place it is worthy to be observ'd, that Wealth, according to the distribution of the Balance, has contrary motions. The third Estate in *France* having Riches, and those laden with Taxes, come to have something to lose, and something to save: which keeps them in continual fear or hope. The Nobility holding to the King, the third Estate has something to lose, which withholds them from Arms thro fear; but the Nobility flying out, the third Estate has something to save, which precipitates them into Arms thro hope: whereas the Peasant having nothing to save or to lose, to hope or to fear,

never

never stirs. The case standing thus, the sufficiency of the *French* Chap. 9. Politician (since the Masterpiece of Cardinal RICHLIEU, in demolishing those Walls of the Protestants, which had otherwise by this time been a Refuge for the third Estate, and perhaps overturn'd the Monarchy) lyes altogether in finding for the Nobility work abroad; or balancing them in such sort at home, that if a Party flies out, there may be a stronger within to reduce it, or at least to be oppos'd to it. In this Case, lest the native Interest of the Nobility, since the Assemblies of the three Estates were abolish'd, might cool the remaining Party, or make them slower in the redress of such Disorders or Discontents than were requisite, the King is wisely provided of Foreign Guards; which being always in readiness, and not obnoxious to the native Interest, may upon like occasions be of more Expedition and Trust. Being come thus to foreign Arms, which is the point I more especially propos'd to myself in the present Discourse, one Objection in relation to what has been already said, seems to interpose it self. Seeing *France*, while it is not govern'd by the Assembly of States, is yet of the same Balance it was when govern'd by the Assembly of States; it may be said that a Government of the same Balance may admit of divers Administrations.

TO which I need make no other answer, than to put you in mind that while this Government was natural, or administer'd by the Assembly of States, it is celebrated by MACHIAVEL to have been the best order'd of any Monarchy in the world; and that what it is, or has been of later times, you may believe your own eyes or ears.

THERE be yet, before I can come to foreign Guards, some previous Considerations. All Government, as is imply'd by what has been already shewn, is of these three kinds: *A Government of Servants: A Government of Subjects; or, a Government of Citizens.* The first is absolute Monarchy, as that of *Turky*: The second Aristocratical Monarchy, as that of *France*: The third a Commonwealth, as those of *Israel*, of *Rome*, of *Holland*. Now (to follow MACHIAVEL in part) of these, the Government of Servants is the harder to be conquer'd, and the easier to be held: The Government of Subjects is the easier to be conquered, and the harder to be held. To which I shall presume to add, that the Government of Citizens is both the hardest to be conquer'd, and the hardest to be held. *Of Arms, and their kind.*

My Author's Reasons, why a Government of Servants is the hardest to be conquer'd, come to this that they are under perpetual Discipline and Command, void of such Interests and Factions, as have Hands or Power to lay hold upon Advantages or Innovation; whence he that invades the *Turk* must trust to his own strength, and not rely upon Disorders in the Government, or Forces which he shall be sure enough to find united.

HIS Reasons, why this Government, being once broken, is easily held, are, that the Armies once past hope of rallying, there being no such thing as Families hanging together, or Nobility to stir up their Dependants to further Reluctancy for the present, or to preserve themselves by complacence with the Conquerors for future Discontents or Advantages, he that has won the Garland has no more to do but to extinguish the Royal Line, and wear it ever after in security. For the People having been always Slaves, are such whose condition he may better, in which case they are Gainers by their Conqueror, but can never

Book I. never make worse, and therefore they lose nothing by him. Hence ALEXANDER having conquer'd the *Persian* Empire, he and his Captains after him could hold it without the least Dispute, except it arose among themselves. Hence MAHOMET the Second having taken *Constantinople*, and put PALÆOLOGUS the *Greece* Emperor (whose Government was of like nature with the *Persian*) together with his whole Family, to the Sword, the *Turk* has held that Empire without reluctance.

ON the other side, the Reasons why a Government of Subjects is easier conquer'd are these: That it is supported by a Nobility so ancient, so powerful, and of such hold and influence upon the People, that the King without danger, if not ruin to himself or the Throne (an example whereof was given in HEN. 7th of *England*) can neither invade their Privileges, nor level their Estates; which remaining, they have Power upon every discontent to call in an Enemy, as ROBERT Count of *Artois* did the *English*, and the Duke of *Guise* the *Spaniard* into *France*.

THE Reasons why a Government of Subjects being so easily conquer'd, is nevertheless the harder to be held, are these: That the Nobility being soon out of countenance in such a case, and repenting themselves of such a bargain, have the same means in their hands whereby they brought in the Enemy, to drive him out, as those of *France* did both the *English* and the *Spaniard*.

FOR the Government of Citizens, as it is of two kinds, an equal or an unequal Common-wealth, the Reasons why it is the hardest to be conquer'd, are also of two kinds; as first, the Reasons why a Government of Citizens, where the Common-wealth is equal, is hardest to be conquer'd, are, that the Invader of such a Society must not only trust to his own strength, inasmuch as the Common-wealth being equal, he must needs find them united, but in regard that such Citizens, being all Soldiers or train'd up to their Arms, which they use not for the defence of Slavery, but of Liberty (a condition not in this world to be better'd) they have more specially upon this occasion the highest Soul of Courage, (and if their Territory be of any extent) the vastest Body of a well-disciplin'd Militia that is possible in Nature: Wherefore an example of such an one overcome by the Arms of a Monarch, is not to be found in the World. And if some small City of this Frame has happen'd to be vanquish'd by a potent Common-wealth, this is her Prerogative, her Towers are her Funeral Pile, and she expires in her own flame, leaving nothing to the Conqueror but her Ashes, as Saguntum overwhelm'd by Carthage, and Numantia by Rome.

THE Reasons why a Government of Citizens, where the Common-wealth is unequal, is, next the former, the hardest to be conquer'd, are the same, with this difference, that tho' her Peace be not perfect within, her condition is not to be better'd by any thing without. Wherefore Rome in all her strife never call'd in an Enemy; and if an Enemy upon occasion of her strife, and hopes of advantage by it, came without calling, he presented her with the most Sovereign Cure, who had no leisure to destroy herself, till having no Enemy to find her work, she became her own.

—Nondum tibi defuit hostis,
In te verte manus—

Nor

Nor is there any example that a Government of this kind was ever subdu'd by the Arms of a Monarch; tho' some indeed may be found that have call'd or suffer'd foreign Princes or Force to come in, as *Holland* by Marriages of their Princes, and *Genoa* thro' her Factions, as those of the *FIIESCI* and *ADORNI*. Chap. 9.

TO conclude this part as to the Reasons why a Government of Citizens so acquir'd or possess'd, as thro' Marriage, or Faction, is the hardest to be held, there needs no more than that men accusom'd to their Arms and their Liberties will never indure the Yoke. Wherefore the *Spaniard*, tho' a mighty King, no sooner began in *Holland*, a small Common-wealth, to innovate or break her Orders, than she threw him off with such Courage and disdain, as is admirable to the World. And somewhat of the like kind did *Genoa* by the help of her *DORIA* in the vindication of her Liberty from *France*.

Guic. l. 11.

TO come by this farthest way about as I think the nearest way home: Arms are of two sorts, Proper or Improper; that this, Native or Foreign.

Proper and Improper Arms.

PROPER and Native Arms are, according to the triple nature of Government, of three kinds; Servants in Arms, as the *Helots* in *Lacedemon*, the *Timariots* and *Janizaries* in *Turkey*; Subjects in Arms, as the *Horse* in *France*, and the *Sea-guards* or *Forces* in *Venice*; or Citizens in Arms, as those upon the *Lexiarcha* in *Athens*, of the *Moræ* in *Lacedemon*, and the *Legions* in *Rome*.

IMPROPER or Foreign Arms are of two sorts; Auxiliaries, and Mercenaries.

AUXILIARIES are such as are supply'd by virtue of some League, as were those of the *Latins* and *Italians* to the *Romans*; and those of the Cantons of *Swiss* (except *Zuric*) to the King of *France*: or they may be such as are occasionally lent freely, or let forth for Money by one State to another, the latter whereof differ not much from Mercenaries.

MERCENARIES are Soldiers of Fortune that have no other Trade than their Arms, and let out themselves for Money; of such consisted the greatest part of the *Carthaginian* Strength, such is the Land Force of *Venice*, and, notwithstanding the antient League of *France* with those Nations, such at this day are the *Swiss* and *Scotish* Guards (and sometimes a good part of the Foot) in *France*.

MACHIAVEL discourses upon these Particulars in his Art of War, to admiration: by whom I shall therefore steer.

WHERE the Arms in bulk are proper, and consisting of Citizens, they have other Trades, and therefore are no Soldiers of Fortune; and yet because the Common-wealth has Arms for her Trade) in regard she is a *Magistrate given for the good of Mankind, and bears not her Sword in vain*) they are all educated as well in Military as Civil Discipline, taking their turns in service of either nature according to the occasion, and the Orders of the Common-wealth, as in *Israel*, *Athens*, *Lacedemon* and *Rome*, which had (if their Territories permitted, and sometimes, as I may say, whether their Territories permitted or no, as in *Israel*) the vastest, the highest temper'd, and the best disciplin'd Militia, that is to be found in the whole compass of Story. Some Armies of *Israel* have consisted of three or four hundred thousand men: *Rome* upon the Rumour of a *Gallic* Tumult, arm'd in *Italy* only, without foreign Aid, seventy thousand Horse and seven hundred thousand Foot;

Plin. L. Æmilio Papo, C. Atilio Regulo
Coss.

Book I. things in our days (when the *Turk* can hardly arm half so many) not to be credited.

Arte della
Guer. Proem.

HENCE that a *Common-wealth*, which had not first broken her self, or been broken by some other *Common-wealth*, should not be found to have been conquer'd by the Arms of any Monarch, is not miraculous, but a natural effect of an apparent Cause. In this place, or upon this Text, Divines whom I would desire not to be Enemies of popular Power, but to give MACHIAVEL his due, shall, if they please, hear him make a goodly Sermon, in these words: *If antient Common-wealths and Governments us'd Diligence in any other Order to make their People lovers of Peace, faithful to their Country, and to have the fear of God before their eyes, they doubl'd it in this of their Militia: for of whom should your Country expect greater Faith, than of such as have offer'd themselves to die for her? Whom should she endeavour to make greater Lovers of Peace, than them who only can enslave her by force? In whom should there be greater Fear of God, than in such as carry their Lives in their hands? This, when Lawgivers and Captains rightly consider'd, was the cause why Soldiers were esteem'd, honour'd, follow'd, and imitated above all men in the World; whereas since such Orders are broken, and Custom is altogether deviated from the course of antient Prudence, men are come to detest the Iniquity of the Camp, and fly the Conversation of such as are in Arms, as the Pestilence.* Where the Arms in bulk are proper, but consist of Subjects, they are the best next; and but the best next, as appears by all Examples antient and modern. The Arms with which PYRRHUS Prince of *Epyrus* invaded the *Romans*, were of Subjects; yet that Prince, tho' he was not vanquish'd by the *Romans*, confess their advantage, and gave them over. The *Spaniard* being a far more potent King than was PYRRHUS, has acknowledg'd as much to the *Hollanders*, tho' a far less *Common-wealth* than *Rome*: So have the Princes of *Austria*, and of *Burgundy*, to the *Switzers*. That the Arms of Subjects are nevertheless as much superior to the Arms of Servants, as inferior to the Arms of Citizens, is as plain; seeing as ALEXANDER, with thirty thousand Subjects, vanquish'd DARIUS, having innumerable Slaves; so thirty thousand Christians are at this day a match for any Army of *Turks*: and we see *Venice*, whose Force by Sea consists of Subjects, to have made him quit that Element near as fully to her Dominion or Empire, as did the *Persian* to *Athens*.

TO Arms that are proper, but consist of Servants, all the pre-eminence that can be given is, that they are better than foreign Arms; a proof whereof we have in those of SELIMUS, whereby he conquer'd the *Mamaluks*; who being but a foreign Force that held *Egypt* in subjection, the Country was irrecoverably lost, and, for the reasons already shewn, as easily kept.

IMPROPER Arms, whether Auxiliary or Mercenary, where the Force of a Prince or of a *Common-wealth* consists, for the bulk or greater part, of no other, are the least effectual, and the most dangerous of all. For Auxiliaries, or what effect has been found of them by Princes or *Common-wealths*, it was seen in *France* during the League by the *Spaniard*; and in *Holland* during the Reign of Queen ELIZABETH by the *English*; but especially in the *Goths* and *Vandals* who having been Auxiliaries or Mercenaries, rely'd upon by the later Emperors, came thereby to ruin the *Roman Empire*.

M E R C E-

MERCENARIES who make their Arms their Trade, must Chap. 9.
of all others be the most pernicious; for what can we expect less of
such whose Art is not otherwise so profitable, than that they should
(as MACHIAVEL shews) *be breakers of their Faith, given up to Rapine,
Enemies of Peace and Government?*

TO instance in some Common-wealths, that of *Carthage* after her
first War with the *Romans*, fell thro' the Rebellion of SPENDIUS and
MATHO, Ringleaders of her Mercenaries, into another that was far
more dangerous. Of such a Dilemma were the Arms of this State,
that if HANNIBAL had conquer'd *Rome*, he must have been King of
Carthage; and not conquering *Rome*, *Carthage* was ruin'd. The Com-
mon-wealth of *Milan*, trusting her self to F. SFORZA and his Mer-
cenaries, became the Subject of her Servant, and he her Duke. Nor
is *Venice*, whose Land-Forces are of the same kind, otherwise in safe-
ty as to these, than by her Situation. To give some instances of the
same nature in Princes: The Father of F. SFORZA being Captain of
a like mercenary Army, forc'd JOAN Queen of *Naples*, whom he
left disarm'd in the midst of her Enemies, to lay her self at the feet of
the King of *Arragon*; and BRACCIO by such another Treachery had
plainly possess'd himself of the Kingdom of *Naples*, had he not been bro-
ken at *Aquila*, where Death intercepted his design. From what has
been said (first of Government, and then of Arms) if a Government
of Servants be harder to be conquer'd, and easier to be held, then in
this foreign Arms must needs be least necessary, and most dangerous.

IF a Government of Subjects be easier to be conquer'd, and harder
to be held, then in this foreign Arms may be more necessary, but must
be less dangerous.

BUT tho' a Government of Citizens be both hardest to be con-
quer'd, and hardest to be held, yet as it is again in this regard of two
kinds, this cannot be said of each kind alike; wherefore I must di-
stinguish.

IN a Government of Citizens, if the Common-wealth be not for
increase, but preservation only, as *Lacedemon*, *Carthage*, *Venice*, fo-
reign Arms are both necessary and dangerous; but in a Government of
Citizens, where the Common-wealth is both for increase and prefer-
vation, as *Rome*, foreign Arms are neither necessary nor dangerous.

TO repeat the parts of this Conclusion, which being brief is ob-
scure, more fully and particularly.

THE Empire of *Turky* is of the harder kind to be conquer'd, where-
fore the *Turk* needs not foreign Guards to defend him, but it is of the ea-
sier to be held; wherefore let him take heed of intrusting his Person
with foreign Guards, who having a foreign Interest, may have a foreign
Nation to assist them: and so the Person of the Prince being in their
hands, they have no more to do than to extinguish the Royal Line;
and the Empire being easily held, is their own thenceforth with secu-
rity. Thus the *Mamaluks* which were at first foreign Guards, extinguish-
ing the Royal Line of the Kings of *Egypt*, came to possess and hold
that Realm without opposition. Who well considers this point, will
never enough admire the Policy of the *Turk* in the creation (as it
were) of his *Janizaries*, free from any national Interest that might
make them dream of, or desire Liberty; and yet so void of all foreign
Interest or Knowledge, that they know not what, or who were their
Country or Parents. Hence tho' they have Interest to murder the
Turk

Book I. *Turk*, and sometimes do accordingly, they have no further Interest in the world but what depends upon the Government; and so the Empire is safe, tho' the Prince be in danger: whereas if they were foreign Guards, or had any native Interest, not only the Prince, but the Empire too would be in danger, the rest being Servants, and such whose condition might be better'd by a change, but could be no worse. Wherefore a Government of Servants must by no means admit of foreign Guards or *Mamaluks*.

BUT the Empire of *France*, where the Nobility are not only subject to fly out, but to call in Strangers, may have use of foreign Guards, which not obnoxious to native Interest and Factions, as those of the Nobility, are the readiest and best help at this list; yet not dangerous, tho' having the Prince in their power, because by him they are safe from the Nobility, who, were it not for the Prince, would be so far from bearing or brooking foreign Guards, that in case a Foreigner came in upon their call, having the same means to help themselves whereby they brought him in, they would shake the Yoke, and the ends why they call'd him in, being satisfy'd or repented of, drive him out again, as they did the *Spaniard* and the *English*. But if this Government being invaded or conquer'd, be so hard to be kept, how much harder being surpriz'd? Wherefore in a Government by Subjects, foreign Arms may be more necessary, but must be less dangerous.

IN a Common-wealth for preservation, as *Lacedemon*, *Carthage*, *Venice*, foreign Arms are necessary; So *Lacedemon*, tho' able to defend herself by her proper Forces against any one City, yet the Wars in *Greece* going much upon Leagues and Confederates, was forc'd also to make use of her Confederates, and sometimes of her *Helots*.

BUT as antiently to *Carthage*, so now to *Venice*, foreign or mercenary Forces are essential, because for Land-service such a Constitution can have no other: Yet is this course extremely dangerous, as appear'd by *Lacedemon*, who (being ever in fear of her *Helots*) when she had acquir'd upon the matter the whole Empire of *Greece*, came, by the Rebellion of her Confederates, not only to lose all, but likewise to ruin. For *Carthage*, upon the Mutiny of SPENDIUS and MATHO, she escap'd, as at other times upon like occasions, very narrowly. That such an Accident neither has befallen *Venice*, nor can befall her, is to be attributed to her Situation, by which, in this regard, she is secure: Nevertheless, her Progress or Increase, which by this means either cannot be great, or being great, must render her but the more infirm, is fully bar'd.

TO a Common-wealth for increase, which always takes in the whole body of the People, foreign Arms (seeing she abounds above all other kinds of Policy, with such as are proper) must needs be the least necessary; and they are the most safe, because never admitting them, but for her mere convenience and frugality in expence of native Blood, she receives no such charge of them as can recoil, but must carry point blank, and as vigorously as her proper Interest, very near as her proper Arms. Thus did the *Latin* and *Italian* Auxiliaries, of which, join'd with the *Roman* Legions, consisted a Consular Army.

BY thus much it seems that an inference from the success of Arms to the perfection of Government, and from the perfection of Government to the success of Arms, should be no fallacious way of disputing.

BUT

BUT this being sweaty work with the Considerer, who loves his Chap. 9.
 ease, it is enough to argue thus: *The Switz, Scottish, and French*
Guards, have never been the Authors of any Sedition, therefore the Sedi-
tiousness of a Nobility may be mended by foreign Guards: which is, as if
 one should say, such a Physician has never been the cause of the Gout;
 therefore the Gout may be cur'd by such a Physician. That foreign
 Arms may be well enough apply'd in the case of a seditious Nobil-
 ity, and have some good effects, is not deny'd: but is *France* there-
 fore cur'd of her Sedition, or remains she, notwithstanding her foreign
 Guards, the most seditious Example in the world? If thus she has
 not been, nor be, what has he read of the Princes of the Blood in for-
 mer times, or heard of late from them? But if thus she has been, and
 be, is it not a fine way of Cure to give us an example of the Disease
 for the Remedy? Nor are her Guards so void of Sedition neither;
 but the *Switzer*, if he wants his pay, dares threaten *Paris*: the *Scot*,
 at least of late years, has not been so bold; but if a Prince flies out, the
 Ensigns of the *French* Guards will one way or other be Captains,
 while Soldier and Officer too follows his Affections or Interests, which
 way soever they frame. I should be glad to know when a Dragon
 fell from that Court, that did not bear down Stars with his Train.
 But the Prevaricator is set upon it: whereas of late years the *Janizaries*
 are known to have been far more imbru'd in the Blood of their Princes
 than ever; he gives us his honest word, *that of late years in Turkey*
they begin to learn the art of poisoning the Janizaries (who are the Foot
of the Princes Guard) by the Spahies (who are the Horse of the
same) and so have frequently evaded the danger of their Mutinies. At
 which rate, seeing every Army consists of Horse and Foot, no Army
 could be mutinous. If these had not been meer slights, and so intended,
 he might have done well to have shewn us one Mutiny of the *Janizaries*
 appeas'd by the *Spahies*. But all the parts of his Politicks, as was said
 of those in Rhetoric, consist of Pronunciation.

THUS the Wounds of Monarchy, notwithstanding the former,
 or this last Remedy of foreign Guards, are bleeding or festering.

BUT his Courage is undaunted (*aut viam inveniet aut faciet*) he
 will either mend a Government, or make one, by asserting without
 any example, but with egregious confidence, *That the perfection of*
Monarchy is free from those flaws which are charg'd upon it, and that it
consists in governing by a Nobility, weighty enough to keep the People un-
der, yet not tall enough in any particular Person to measure with the Prince;
and by a moderate Army kept under the notion of Guards and Garrisons,
which may be sufficient to strangle all Sedition in the Cradle: from which
mixture, or counterpoise of a Nobility and an Army, arises the most excel-
lent form of Monarchical Government.

Confid. p. 48,
 49.

THERE's for your learning now, A Model which is a short
 Horse, and a Legislator that has soon curry'd him. To the parts of it,
 consisting of a Nobility, and in force, I have already spoken severally.
 I shall now speak to the whole together; that is, to the imagin'd mix-
 ture or counterpoise of a Nobility and an Army; and because there is
 nothing in Nature that has not had a natural effect by some example.

THE scale of Arms, or of Iron, continu'd in the Line of WIL-
 LIAM the Conqueror; and the scale of Property, or Gold, con-
 tinu'd in the Barons of *England*, and their Successors. But in this be-
 fore the Barons Wars consisted not the perfection of the Monarchy,

Book I. because it preponderated too much on the side of Arms; nor after the Barons Wars, because the King, putting Power (which he could not keep out of their fingers) into the hands of the Nobility, it became *a vicious Constitution, and a Monarchy only in name* (so says the Considerer) therefore the Balance being then only even, when neither the King could over-balance or get the better of the Barons, nor the Barons over-balance or get the better of the King; the perfection of Monarchy consisted in the Barons Wars! LYCURGUS the Second!

MARK; the King by all means must have a Nobility weighty enough to keep down the People, and then he must have an Army to hold Gold weight with his Nobility: as if the Nobility in that case would keep down the People, and not fetch them up (as did the Barons) into their Scale, that so together they might weigh down the Army; which sooner or later is the infallible consequence of this Phanfy, or let it be shewn where it was ever otherwise. To instance in *France* is quite contrary, where all the considerable Offices and Commands being in the Nobility, or the richer sort of that Nation, the Balance of Arms and of Property are not two, but one and the same. There is no way for Monarchy, but to have no Army, or no other than the Nobility, which makes the regulated Monarchy, as in *France, Spain, &c.* or to have an Army that may weigh down Nobility and People too; that is, destroy them both, which makes the absolute way of Monarchy, as in *Turky*: the wit of man never found, nor shall find a third, there being no such thing in Nature.

THIS Chapter is already with the longest, and yet I must give you a Corollary, *pouce de roy*, or a piece above measure; relating to a Question on which the greenest Politician that ever brought his Verjuice to the Press, has spur'd me.

WHERE he desires to know my opinion of the way of governing by Councils, which he confesses he has always thought admirable; he does not mean such as are co-ordinate with the Prince (which have been seen in the World) but such as those of Spain, purely of Advice and Dispatch, with power only to inform and persuade, but not limit the Princes Will. For almost all the Weaknesses which have been thought incident to Monarchy, are by this course prevented; and if there be any steadiness and maturity in the Senate of a Common-wealth, this takes it all in.

TO give my Council without a Fee, and deal sincerely with a Prevaricator: Let the Prince (that is, such an one as his) hold himself contented with his *Divan*, or Cabinet. If this be that he means, we are agreed; but if he would have more, I can make no less of his words, than a hankering after such Councils as I have propos'd, and that these are such as he always thought admirable, such as prevent almost all the Weaknesses incident to Monarchy, and take in the steadiness and maturity of a Common-wealth.

HOW may we make this agree with that other place, where he says, that there is no frame of Laws, or Constitution of Government, which will not decay and come to ruin, unless repair'd by the Prudence and Dexterity of them that govern? Now that this may not be expected from a Monarch, as well as from a Senate or Assembly of Men, he has not yet met with any conviction, but rather finds it reasonable to think that where Debates are clearest, the result of them most secret, and the execution sudden (which are the advantages of Monarchy) there the disorders of a State

State will soonest be discover'd, and the necessary Remedies best apply'd. Chap. 9.

In that former place he bethought himself, that the Debates of *Rome* were as clear as those of *ANTIOCHUS*, that her Results were as secret as those of *PHILIP* or *PERSEUS*, and of more sudden execution than either of theirs. He doubted it might be true, which is affirm'd by good Authors, and commonly enough known, that for the clearness of Debate, and secrecy of Result, the world never saw any thing like the Senate of *Venice*; and that in all appearance they are for execution as quick with the Divan, as the Divan can be with them. Now when all this is done, to banish so generous Thoughts without shewing us for what cause, and knock under the table, is sad news. But he shall find me, in any thing that is reasonable, most ready to serve him. To the Question then, how such Councils as I have propos'd would do with a Prince; I answer, truly the best of them, I doubt; but untowardly. One, that is the popular Assembly, has no mean, but is either the wisest in Nature, or has no brains at all. When affairs go upon no other than the public Interest, this having no other Interest to follow, nor eyes to see withal, is the wisest Council: but such ways are destructive to a Prince, and they will have no Nay. The Congregation of *Israel*, when *REHOBAM* would not hearken to their advice, depos'd him: and we know what popular Councils, so soon as they came to sufficient Power, did in *England*. If a Prince put a popular Council from this Ward, he does a great matter, and to little purpose; for they understand nothing else but themselves. Wherefore the Kings of *France* and of *Spain* have dissolv'd all such Assemblies. It is true, where a Prince is not strong enough to get Money out of them but by their consent, they are necessary; yet then they are not purely of Advice and Dispatch, but share in the Government, and he cannot be meddling with their Purfes, but they will be meddling with his Laws. The Senate is of fitter use for a Prince, and yet, except he has the way of *TIBERIUS*, but a ticklish piece, as appears by *MAXIMINUS*, who was destroy'd by *PUPIENUS* and *BALBINUS*, Captains set up against him by this Order. To go to the root: These things are not otherwise in Prudence or Choice than by direction of the Balance; where this is popular, no Remedy but the Prince must be advis'd by the People, which if the late King would have endur'd, the Monarchy might have subsisted somewhat longer: but while the Balance was Aristocratical, as during the great Estates of the Nobility and the Clergy, we find not the People to have been great or wise Counsellors. In sum, if a King governs by a popular Council, or a House of Commons, the Throne will not stand long: If he governs by a Senate, or a House of Lords, let him never fear the Throne, but have a care of himself: there is no third, as I have said often enough, but the Divan.

The Prerogative

C H A P. X.

Whether a Common-wealth that was not first broken by her self, was ever conquer'd by the Arms of any Monarch?

I COME in this Chapter to resume the Discourse, where I broke off in the former, making good my assertion, That a Common-wealth is the Government, which from the beginning of the world to this day was never conquer'd by any Monarch; for if the Common-wealths of *Greece* came under the yoke of the Kings of *Macedon*, they were first broken by themselves.

WHEN I speak of a Common-wealth, in relation to this point, I am no more to be argu'd against out of the little Cities in *Asia*, or those of *Ragusa*, and *San Marino*, which cannot be shewn to have had the command of any considerable Army, than I argue against the Prevaricator, where he asserts Monarchy to consist of a mixture of Arms and of a Nobility, from the King of *Yuetot*, who had neither.

Confid. p. 53.
Paus. Messen.

THIS Assertion in the judgment of any rational man ought not to be encounter'd, but where there were a natural possibility of defence, in regard that a City which has no Army at all, as *Geneva* (which yet being invaded by the Duke of *Savoy*, found means to defend her self) or such a one as is not considerable, should be subdu'd by some potent Monarch (if we could find the example) concerns the Government no more, than if it had been overwhelm'd by some Inundation, or swallow'd up by some Earthquake. And yet all that is oppos'd by the Considerer, amounts not to thus much. The Testimony he brings out of *PAUSANIAS* comes far short; for it is recorded (says the Author speaking of the *Lacedemonians*) *that being corrupted by the Bounty of CRÆSUS, they were the first that contracted Amity with the Barbarians at the time, when that King added the Territories inhabited by the Dorians upon the border of Caria, with other Common-wealths in Asia, to his Empire.* So that *CRÆSUS* corrupted the *Lacedemonians* with Gifts, *PAUSANIAS* is express; but whether he obtain'd the *Asiatic* Cities (likely in this case to have been easilier corrupted than the *Lacedemonians*) by Arms or by Purchase, he is not express: and the presumption of the latter, as in other regards, so in this, is the stronger, that *CRÆSUS* by the testimony of *SOLON*, was more potent in Gold than in Iron. Now if it were so (and if otherwise, let the Considerer shew) that these Common-wealths, inveigl'd by the Treasure of *CRÆSUS*, came first under the *Lydian*, and fell with that under the *Persian* Empire, when *CRÆSUS* was subdu'd by *CYRUS*: all I can learn by this example is no more than that *CRÆSUS*, for ought that is perceivable, might have bought those Common-wealths as *COSIMO* of *MEDICIS* did *Florence*; from whom it is affirm'd by *MACHIAVEL*, that *there was not a considerable Man in the whole City that had not receiv'd some considerable Sum.* So this example presumes; but in the next, which is of *Sicily*, there is not so much as a Presumption in favour of the Assertor: the State of *Sicily*, before that which the *Romans* call the first *Carthaginian* War, being clear in Story against his design. For that *Africa* for the generation

ration of Monsters is not more famous than *Sicily* for that of Tyrants, Chap. 10
they who have pass'd their Novitiate in Story are not ignorant; nor how
 when TIMOLEON had freed her of this Vermine, and with Liberty
 she had recover'd some strength and virtue, she relaps'd under AGA-
 THOCLES and his horrid violation of Faith, while he was trusted
 with the Arms of her Citizens: how after him PYRRHUS was call'd
 in from *Epirus*; after PYRRHUS, HIERO usurp'd; all by the same
 Arts, getting first into trust or charge, and then recoiling upon them
 that would take no warning: by which it is apparent that the Com-
 mon-wealths of *Sicily*, like those of *Greece*, were ruin'd by them-
 selves, and their own Disorders; and no more subdu'd upon these
 changes by foreign Arms, than was *Israel* by the *Canaanites*, or *Rome*
 by the *Gauls* or *Decemvirs*.

Fazello Hist.
 de Sicil.
 Polyb. l. 1.

ISRAEL, having broken her Orders, was indeed sometimes op-
 press'd by the *Canaanites*; *Rome* was sack'd by the *Gauls*, and usurp'd
 by the *Decemvirs*. But as the man that having got a fall in a Duel,
 throws of his Adversary, recovers himself and his Sword, is not con-
 quer'd, so neither the Common-wealth: wherefore neither *Holland* nor
Genoa, tho' they have been under, being yet standing, can be said to be
 conquer'd by the Arms of *Spain* or *France*, but rather the contrary;
 seeing the Liberty of *Holland* (in many Cities more antient than any
 Records or other Monuments there can witness, and in it self than
 that of *Tacitus*, whereby CIVILIS, born of Princely Blood, is af-
 firm'd to have vindicated the *Batavian* Freedom) is still the same;
 and *Genoa*, tho' happy in her DORIA, remains as she was before he
 was born. Nor did the Family of the MEDICIS banish'd out of *Flo-*
rence (where, by virtue of their prodigious Wealth, and the inevita-
 ble consequence of the Balance, their Ancestors had been Princes ma-
 ny years before CHARLES the Fifth was a Soldier) any more by the
 help of his Arms, those of the Pope (at that time of the same Fa-
 mily) and their Party at home, than get into their known saddle.
 To insist a little more at large upon the Stories of *Genoa* and *Florence*
 (because upon these the Prevaricator sets up his rest that Mr. HAR-
 RINGTON must needs be afflicted) *Genoa* was and is an Oligarchy
 consisting of twenty eight Families, making the Great Council, or Ag-
 gregation, as they call it, none but these being capable of the Senate
 or of Magistracy; and if ever it could be said of a Common-wealth,
 that she had broken her self, it might be said, at the time related to,
 of *Genoa*, where not only the Faction of the *Guelphs* and *Gibelins*,
 which had destroy'd many Cities in *Italy*, then reign'd; but the feud
 between the People included, and the Subject excluded, was as great
 as ever had been between the Nobility and the People in *Rome*. Be-
 sides the quarrel of the FIESCHI and the ADORNI, two Families,
 like CÆSAR and POMPEY, which having many years together as
 it were ingross'd the Magistracy of Duke, were nevertheless perpetual-
 ly striving each with other, which should have it; and if one of these
 (as it did) brought in the King of *France*, there is nothing plainer than
 that this Common-wealth was subdu'd by her own Sedition, nor is
 there a man knowing any thing of her affairs, that makes any doubt
 of it. That of *Florence* indeed, if the Prevaricator could shew it
 had been ever up, I should grant were down; but to relate the Story of
 this City, I must relate that of the House of MEDICIS. From
 COSIMO, a Citizen famous throughout *Europe* both for his Wisdom and

Decree of the
 States of Hol-
 land apud
 Grot. Hist. 4.

Book. I.

Comines.
P. Jovius.
Machiavel.

his Riches, this Family for the space of fixty years exercis'd, under the pretext of some Magistracy, very great Power in *Florence*. To COSIMO succeeded PETER, to PETER LAURENCE, a man in Prudence and Liberality esembling his Grandfather, save that he us'd more absolute Power in managing the Common-wealth; yet with gentleness, and not altogether to the suppression of Liberty. Nevertheless he obtain'd of the Signory (which did for the most part as he would have them) some small Guard for his Person: he was a man renown'd thro' *Italy*, and look'd upon by foreign Princes with much respect. To him succeeded his Son, another PETER, who thro' Youth and rashness conceiving the Power exercis'd by his Predecessors to be no more than his due, took upon him the Government as absolute Lord of all; and standing most formidably upon his Guard, grew fottishly profuse of the public Money, and committed many Absurdities and Violences: By which means having incurr'd the hatred of the Citizens, he was banish'd by the Signory, with Cardinal JOHN and JULIAN his Brothers. This JOHN coming after to be Pope LEO the Tenth, requir'd the revocation of his Brother's Banishment, and the restitution of the House of MEDICIS; to which finding the prevailing Party of the *Florentines* to be refractory, he stir'd up the Arms of the Emperor CHARLES the Fifth against them, by whose joint aid the City, after a long siege, was reduc'd to her old Ward, and ALEXANDER of MEDICIS, Nephew to the Pope and Son in law to the Emperor, set in the known Saddle of his Ancestors. This is the Action for which the Prevaricator will have a Common-wealth to have been conquer'd by the Arms of a Monarch, tho' whoever reads the Story may very safely affirm, First, That *Florence* never attain'd to any such Orders as could deserve the name of a Common-wealth; and next, That the Purse of COSIMO had done that long before, which is here attributed to the Arms of the Pope and the Emperor. Reason and Experience, as I said, are like the Roots and the Branches of Plants and Trees: As of Branches, Fruits, and Flowers, being open and obvious to the eye, the smell, the touch, and taste, every Girl can judge; so examples to vulgar capacities are the best Arguments. Let him that says a Common-wealth has been at any time conquer'd by a Monarch, to it again, and shew us the example. But tho' Fruits and Flowers be easily known each from other, their Roots are latent, and not only so, but of such resemblance, that to distinguish of these a man must be a Gardiner or a Herbalist. In this manner, the reason why a Common-wealth has not been overcome by a Monarch, has been shewn in the distribution of Arms, those of a Prince consisting of Subjects or Servants, and those of a Common-wealth rightly order'd of Citizens, which difference relates plainly to the perfection or imperfection of the Government.

Confid. p. 51.

BUT, says the Prevaricator, *this seems intended for a trial of our Noses, whether they will serve us to discover the fallacy of an inference from the prosperous success of arms to the perfection of Government.* If the University, who should have some care of the Vineyard of Truth, shall lie pigging of wild Boars, to grunt in this manner and fear with their tusks, and I happen to ring some of them (as I have done this *Marcastin* for rooting) there is nothing in my faith why such trial of their Noses should be Sin; but for fallacious Inferences, such I leave to them whose Caps are squarer than their Play.

FOR

FOR all that, *Great and well policy'd Empires*, says he, have been Chap. 19, subverted by People so eloin'd from the perfection of Government, that we scarce know of any thing to tie them together, but the desire of Booty. Where, or how came he to know this? What Reason or Experience does he alledge for the proof of it? May we not say of this, it is for the trial of our Noses, whether they will serve us to discover that a Conclusion should have some Premises? He gives us leave to go look, and all the Premises that I can find are quite contrary.

THE Arms of *Israel* were always victorious, till the death of Judg. ch. 1, JOSHUA, whereupon the Orders of that Common-wealth being neglected, they came afterwards to be seldom prosperous. ISOCRATES & 2. in his Oration to the *Areopagites*, speaks thus of *Athens*: The *Lacedemonians*, who when we were under *Oligarchy*, every day commanded us something; now while we are under popular Administration, are our Petitioners that we would not see them utterly ruin'd by the *Thebans*. Nor did *Lacedemon* fall to ruin till her Agrarian, the Foundation of her Government, was first broken. The Arms of *Rome* (ever noted by Historians, and clearly evinc'd by MACHIAVEL to have been the result of her Policy) during the popular Government were at such a pitch, as if Victory had known no other wings than those of her Eagles: nor seeing the *Goths* and *Vandals* are the Legislators, from whom we derive the Government of King, Lords, and Commons, were these when they overcame the *Roman Empire*, a People so eloin'd from the perfection of Government, but their Policy was then far better than that of the Emperors, which having been at first founded upon a broken Senate, and a few military Colonies, was now come to a Cabinet, and a mercenary Army. The Judgment of all Ages and Writers upon the Policy of the *Roman Emperors*, is in this place worthy, and thro' the pains already taken by ERASMUS and SLEIDAN, easy to be inserted. O miserable and deplorable State, says ERASMUS, the Authority of the Senate, the Power of the Law, the Liberty of the People being trod underfoot! to a Prince, that got up in this manner, the whole World was a Servant, while he himself was a Servant to such, as no honest man would have endur'd the like Servants in his House: the Senate dreaded the Emperor, the Emperor dreaded his execrable Militia: the Emperor gave Laws to Kings, and receiv'd them from his Mercenaries. To this is added by SLEIDAN, That the condition of these Princes was so desperate, it was a wonderful thing Ambition it self could have the Courage to run such a hazard; seeing from CAIUS CÆSAR slain in the Senate to CHARLES the Great, there had been above thirty of them murder'd, and four that had laid violent hands upon themselves: For there was always something in them that offended the Soldiery, which whether they were good or bad, was equally subject to pick Quarrels, upon the least occasion rais'd Tumults, and dispatch'd even such of them as they had forc'd to accept of that Dignity, for example, ÆLIUS PERTINAX. But if this be true, that of the *Goths* and *Vandals*, when they subdu'd this Empire, must have been the better Government; for so ill as this never was there any, except that only of the Kings of *Israel*, which certainly was much worse. Those of the *Britains* and the *Gauls* were but the dregs of this of *Rome*, when they were overcome by the *Saxons* and *Franks*, who brought in the Policy of the *Goths* and *Vandals*.

Arte della Guerra.

In his Preface to Suetonius.

De quat. Imp.

WHEN

Book I.

WHEN TAMERLANE overcame BAJAZET, the *Turkish* Policy had not attain'd to that extent of Territory which is plainly necessary to the nature of it, nor was the Order of the *Janizaries* yet instituted. The *Hollander*, who under a potent Prince was but a Fisherman, with the restitution of the popular Government, is become the better Soldier; nor has he been match'd but by a rising Commonwealth, whose Policy you will say was yet worse, but then her Balance (being that especially which produces men) was far better. For Vastness, for Fruitfulness of Territory, for Bodies of Men, for Number, for Courage, Nature never made a Country more potent than *Germany*: yet this Nation, antiently the Seminary of Nations, has of late years merely thro' the defect of her Policy (which intending one Commonwealth, has made a hundred Monarchies in her Bowels, whose cross Interests twist her guts) been the Theatre of the saddest Tragedies under the Sun; nor is she curable, unless some Prince falling to work with the Hammer of War, be able totally to destroy the old, and forge her a Government entirely new. But if this comes to pass neither shall it be said, that a *well-policy'd Empire was subverted*, nor by a *People so eloign'd from perfection of Government*, but theirs must be much better than the other. Let me be as ridiculous as you will, the World is (*in facie Romuli*) ripe for great Changes which must come. And look to it, whether it be *Germany, Spain, France, Italy, or England*, that comes first to fix herself upon a firm Foundation of Policy, she shall give Law to, and be obey'd by the rest. There was never so much fighting as of late days to so little purpose; Arms, except they have a root in Policy, are altogether fruitless. In the War between the King and the Parliament, not the Nation only, but the Policy of it was divided; and which part of it was upon the better Foundation?

Confid. p. 51.

BUT, says he, *Ragusa and San Marino are commended for their upright and equal frame of Government, and yet have hardly extended their Dominion beyond the size of a handsome Mannor.*

HAVE *Ragusa or San Marino* been conquer'd by the Arms of any Monarch? For this (I take it) is the question; tho', if they had, these being Commonwealths unarm'd, it were nothing to the purpose. The question of Increase is another point. *Lacedemon* could not increase (because her frame was of another nature) without ruin; yet was she not conquer'd by any Monarch.

Confid. p. 52.

COME, come, says he, for all this; *It is not the perfection of Government, but the populousness of a Nation, the natural valour of the Inhabitants, the abundance of Horses, Arms, and other things necessary for equipping of an Army, assisted with a good military Discipline, that qualify a People for Conquest; and where these concur, Victory is intail'd upon them. Very fine!*

Essay 29.

AS if these could concur any otherwise than by virtue of the Policy. For example, there is no Nation under Heaven more populous than *France*: Yet, says Sir FRANCIS BACON, *If the Gentlemen be too many, the Commons will be base, and not the hundredth Poll fit for a Helmet, as may be seen by comparison of England with France, whereof the former, tho' far less in Territory and Populousness, has been nevertheless the over-match; in regard the middle People in England make good Soldiers, which the Peasants in France do not.* This therefore was from the Policy, by which the one has been the freest, and the other the most

most enslav'd Subject in the World, and not from Populoufness, in Chap. 10. which case *France* must have been the Overmatch.

THE like is observable in the natural valour of the People, there being no greater courage of an Infantry, than that of the middle People in *England*, whereas the Peasant having none at all, is never us'd in Arms. Again, *France* has one of the best Cavalries in the World, which the *English* never had, yet it avail'd her not. Victory is more especially intail'd upon Courage, and Courage upon Liberty; which grows not without a Root planted in the Policy or Foundation of the Government.

ALEXANDER with a handful of Freemen overcame the greatest abundance of Horses, Arms, and other things necessary for the equipping of an Army, the hugest Armies, the most vast and populous Empire in the World; and when he had done, could not by all these subdue that handful of freer men (tho' he kill'd CLYTRUS with his own hand in the quarrel) to the servile Customs of that Empire. And that the best military Discipline deriv'd from the Policy of the Romans, I intimated before, and have shewn at large in other places.

BUT the Prevaricator neither minds what is said, nor cares what he says; to affirm that a Common-wealth was never conquer'd by any Monarch, and that a Common-wealth has conquer'd many Monarchs, or frequently led mighty Kings in triumph, is to run upon the foil, the second Proposition being with him no more than only the conversion of the first. As if that *Rome* was not conquer'd by the World, and that the World was conquer'd by *Rome*, were but a simple conversion. So the World having not conquer'd *Venice*, it must follow, that *Venice* has conquer'd the World. Do we take, or are we taken? Nor is he thus satisfy'd to burn his fingers, but he will blister his tongue.

WHERE I said that the *Common-wealth of Venice*, consisting of all them that first fled from the main Land to those Islands where the City is now planted, at the Institution took in the whole People, he would make you believe I had said that the *Senate of Venice*, at the first Institution, took in the whole People: It is matter of fact, and that in which his Integrity will be apparent to every man's judgment. I pray see the places. And yet when he has put this trick upon me, he tells me, *perhaps it is not true*; and this only I grant him past peradventure is false, whether that I said it, or that the thing is possible. For how is it possible, that the Senate, which is no otherwise such than as it consists of the Aristocracy, or select part of the People, should take in the whole People? It is true, that good Authors, both antient and modern, when they speak of the Senate of *Rome*, or of *Venice* historically, imply the People. MACHIAVEL speaks of the Magistracy of PUBLILIUS PHILO, as prolong'd by the Senate of *Rome*, without making any mention of the People, by whom nevertheless it was granted: the like is usual with other Authors. THUANUS seldom mentions the Common-wealth of *Venice*, but by the name of the Senate; which not understood by the learned Considerer, where CONTARINI speaks in the same manner of the Courses taken by the Common-wealth of *Venice*, for withholding the Subject in the City from Sedition, he takes him to be speaking of the means whereby the Senate (an't please you) keeps the People under: and so having put one trick upon me, and another upon CONTARINI,

Book I. these two are his Premises, whence he draws this Conclusion, *That Venice is as much as any in the World an inequal Common-wealth.* Now the Conclusion you know no body can deny.

CHAP. XI.

Whether there be not an Agrarian, or some Law or Laws of that nature, to supply the defect of it in every Common-wealth: and whether the Agrarian, as it is stated in Oceana, be not equal and satisfactory to all Interests.

IN this Chapter the Prevaricator's Devices are the most wel-favour'd: for whereas the Agrarian of *Oceana* does no more than pin the basket, which is already fill'd, he gets up into the Tree where the Birds have long since eaten all the Cherries, and with what Clouts he can rake up, makes a most ridiculous Scarcrow. This pains he needed not to have taken, if he had not flighted overmuch the *Lexicon*, of which he allows me to be the Author; yet will have it, that he understood the words before, some of which nevertheless his ill understanding requires should be further interpreted in this place, as Property, Balance, Agrarian, and Levelling.

PROPERTY is that which is every mans own by the Law of the Land; and of this there is nothing stir'd, but all intirely left as it was found by the Agrarian of *Oceana*.

PROPERTY in Money (except, as has been shewn, in Cities that have little or no Territory) comes not to the present account. But Property in Land, according to the distribution that happens to be of the same, causes the political Balance producing Empire of the like nature: that is, if the Property in Lands be so diffus'd thro' the whole People, that neither one Landlord, nor a few Landlords over-balance them, the Empire is popular. If the Property in Lands be so ingross'd by the few that they over-balance the whole People, the Empire is Aristocratical, or mix'd Monarchy; but if Property in Lands be in one Landlord, to such a proportion as over-balances the whole People, the Empire is absolute Monarchy. So the political Balance is threefold, Democratical, Aristocratical, and Monarchical.

EACH of these Balances may be introduc'd either by the Legislator at the institution of the Government, or by civil Vicissitude, Alienation, or Alteration of Property under Government.

EXAMPLES of the Balance introduc'd at the Institution, and by the Legislator, are first those in *Israel* and *Lacedemon*, introduc'd by GOD or MOSES, and LYCURGUS, which were Democratical or Popular. Secondly, Those in *England*, *France* and *Spain*, introduc'd by the *Goths*, *Vandals*, *Saxons*, and *Franks*, which were Aristocratical, or such as produc'd the Government of King, Lords, and Commons. Thirdly, Those in the *East* and *Turky*, introduc'd by NIMROD, and MAHOMET or OTTOMAN, which were purely Monarchical.

EXAMPLES of the Balance introduc'd by civil Vicissitude, Alienation, or Alteration of Property under Government, are in *Florence*, where

where the MEDICI attaining to excessive wealth, the Balance alter'd Chap. 11:
from Popular to Monarchical: *In Greece, where the Argives being* Pausan. Corinth.
lovers of Equality and Liberty, reduc'd the Power of their Kings to so
small a matter, that there remain'd to the Children and Successors of
CISUS little more than the Title, where the Balance alter'd from Mo-
narchical to Popular. In Rome, about the time of CRASSUS, the No-
bility having eaten the People out of their Lands, the Balance alter'd
from Popular, first to Aristocratical, as in the *Triumvirs*, CÆSAR,
POMPEY and CRASSUS; and then to Monarchical, as when CRASSUS
being dead, and POMPEY conquer'd, the whole came to CÆSAR.
In Tarentum, not long after the War with the Medes, the Nobility Arist. Pol. l. 5. c. 3.
being wasted, and overcome by Iapyges, the Balance, and with that the
Common-wealth, chang'd from Aristocratical to Popular: The like of
late has discover'd it self in *Oceana*. When a Balance comes so thro'
civil Vicissitude to be chang'd, that the change cannot be attributed
to human Providence, it is more peculiarly to be ascrib'd to the hand
of God; and so when there happens to be an irresistible change of
the Balance, not the old Government which God has repeal'd, but the
new Government which he dictates as present Legislator, is of Divine
Right.

THIS Volubility of the Balance being apparent, it belongs to
Legislators to have eyes, and to occur with some prudential or legal
Remedy or Prevention; and the Laws that are made in this case are
call'd *Agrarian*. So *An Agrarian is a Law fixing the Balance of a*
Government in such a manner that it cannot alter.

THIS may be done divers ways, as by intailing the Lands upon
certain Families, without power of Alienation in any case, as in *Israel*
and *Lacedemon*; or, except with leave of the Magistrate, as in *Spain*:
But this, by making some Families too secure, as those in possession,
and others too despairing, as those not in possession, may make the
whole People less industrious.

WHEREFORE the other way, which by the regulation of
Purchases ordains only that a man's Land shall not exceed some certain
proportion; for example, two thousand Pounds a year; or, exceeding
such a proportion, shall divide in descending to the Children, so soon
as, being more than one, they shall be capable of such a division, or
subdivision, till the greater share exceeds not two thousand pounds a
year in Land, lying and being within the native Territory, is that
which is receiv'd and established by the Common-wealth of *Oceana*.

BY Levelling, they who use the word seem to understand, when
a People rising invades the Lands and Estates of the richer sort, and
divides them equally among themselves; as for example, — No
where in the World; this being that, both in the way and in the end,
which I have already demonstrated to be impossible. Now the words
of this *Lexicon* being thus interpreted, let us hearken what the Preva-
ricator will say, and out it comes in this manner.

TO him that makes Property, and that in Lands, the Foundation of Confid. p. 73.
Empire, the establishing of an Agrarian is of absolute necessity, that by it
the Power may be fix'd in those hands to whom it was at first committed.

WHAT need we then proceed any further, while he, having no
where disprov'd the Balance in these words, gives up the whole Cause?
For as to that which he says of Money, seeing neither the vast Treasure
of HENRY the 7th alter'd the Balance of *England*, nor the Revenue of
the

Book I. the *Indies* alters that of *Spain*, this Retreat (except in the Cases excepted) is long since barricado'd. But he is on and off, and, any thing to the contrary notwithstanding, gives you this for certain.

THE Examples of an Agrarian are so infrequent, that Mr. HARRINGTON is constrain'd to wave all but two Common-wealths; and can find in the whole extent of History only Israel and Lacedemon to fasten upon.

A MAN that has read my Writings, or is skill'd in History, cannot choose but see how he flurs his Dice; nevertheless to make this a little more apparent, It has seem'd to some (says ARISTOTLE) the main point of Institution in Government, to order Riches right; whence otherwise derives all civil Discord. Upon this ground PHALEAS the Chalcedonian Legislator made it his first work to introduce equality of Goods; and PLATO in his Laws allows not increase to a possession beyond certain bounds. The Argives and the Messenians had each their Agrarian after the manner of Lacedemon. If a man shall translate the words
 Pol. L. 2. C. 5. (ἀρετή, δύναμις πολιτική, *virtus & facultas civilis*). Political Virtue or Faculty, where he finds them in ARISTOTLE's Politics (as I make bold, and appeal to the Reader whether too bold to do) by the words Political Balance, understood as I have stated the thing, it will give such a light to the Author, as will go nearer than any thing alledg'd (as before by this Prevaricator) to deprive me of the honour
 Plut. Lycurg. of that invention. For example, where ARISTOTLE says, If one man, or such a number of men, as to the capacity of Government come within the compass of the Few, excel all the rest (κατ' ἀρετήν) in balance or in such a manner, that the (δύναμις πολιτική) Political Faculties or Estates of all the rest be not able to hold weight with him or them, they will never condescend to share equally with the rest in power, whom they excel in Ballance; nor is it to any purpose to give them Laws, who will be as the Gods, their own Laws, and will answer the People as the Lions are said by ANTISTHENES to have answer'd the Hares, when they had concluded, that every one ought to have an equal Portion. For this cause (he adds) Cities that live under Popular Power, have instituted the Ostracism for the preservation of Equality; by which, if a man increase in Riches, Retinue, or Popularity, above what is safe, they can remove him (without loss of Honour or Estate) for a time.

IF the Considerer thinks that I have strain'd courtesy with ARISTOTLE (who indeed is not always of one mind) further than is warrantable, in relation to the Balance, be it as he pleases; I who must either have the more of Authority, or the less of Competition in the point, shall lose neither way. However, it is in this place enough that the Ostracism being of like nature, was that which supply'd the defect, in the Grecian Cities, of an Agrarian. To proceed then to Rome, that the People there, by striving for an Agrarian, strove to save their Liberty, is apparent, in that thro' the want of such a Law, or the nonobservance of it, the Commonwealth came plainly to ruin. If a Venetian should keep a Table, or have his House furnish'd with Retainers, he would be obnoxious to the Council of Ten; and if the best of them appear with other State or Equipage than is allow'd to the meanest, he is obnoxious to the Officers of the Pomp: which two Orders in a Commonwealth where the Gentry have but small Estates in Land, are as much as needs be in lieu of an Agrarian. But the German Republics have no more to supply the place of this Law, than that Estates descending are divided among

among the Children; which sure no man but will say must needs be both just and pious: and we ask you no more in *Oceana*, where grant this, and you grant the whole Agrarian. Thus had I set him all the Common-wealths in the World before; and so it is no fault of mine, that he will throw but at three of them: These are *Israel*, *Lacedemon*, and *Oceana*. Chap. 11.

FIRST at *Israel*: Mr. HARRINGTON (says he) *thinks not upon the Promise of GOD to ABRAHAM (whence the Israelites deriv'd their Right to the Land of Canaan) but considers the division of the Lands, as a Politic Constitution upon which the Government was founded, tho' in the whole History of the Bible there be not the least footstep of such a design.* Confid. p. 77.

WHAT means the man! *the Right of an Israelite to his Land deriv'd from the Promise of GOD to ABRAHAM*, therefore the Right of an *Oceaner* to his Land must derive from the Promise of GOD to ABRAHAM? Or, why else should I in speaking of *Oceana* (where Property is taken as it was found, and not stir'd a hair) think on the Promise to ABRAHAM! Nor matters it for the manner of division, seeing that was made, and this was found made, each according to the Law of the Government. *But in the whole Bible (says he) there is not the least footstep that the end of the Israelitish Agrarian was Political, or that it was intended to be the Foundation of the Government.*

THE Footsteps of God, by the Testimony of DAVID, may be seen in the deep Waters, much more, by the consent of the whole Bible, in Land, or in the Foundation of Empire; unless we make the Footsteps of God to be one thing, and his ways another, which as to Government are these.

GOD by the Ballot of *Israel* (more fully describ'd in the next Book) divided the Land (some respect had to the Princes and Patriarchs for the rest) to every one his inheritance, according to the number of names, which were drawn out of one Urn first, and the Lots of Land (the measure with the goodness of the same consider'd) drawn afterwards out of the other Urn to those names. Wherefore God ordaining the Cause, and the Cause of necessity producing the effect, God in ordaining this Balance intended Popular Government. But when the People admitting of no Nay, would have a King, God thereupon commanding SAMUEL to shew them the manner of the King, SAMUEL declar'd to the People concerning the manner or policy of the King, saying, *He will take your Field and your Vineyards, and your Oliveyards, even the best of them, and give to his Servants (which kind of proceeding must needs create the Balance of a Nobility;) over and above this, he will take the tenth of your Seed, and of your Vineyards, and of your Sheep (by way of Tax, for the maintenance of his Armies) and thus your Daughters shall come to be his Cooks and Confectioners, and your Sons to run before his Chariot.* 1 Sam. 8. There is not from the Balance to the Superstructures a more perfect description of a Monarchy by a Nobility. For the third Branch, the People of *Egypt* in time of the Famine, which was very fore, come to JOSEPH, saying, *Buy us and our Land for Bread, and we and our Land will be Servants to PHARAOH.* Gen. 47. 19, 20. And JOSEPH bought all the Land of *Egypt* (except that of the Priests) for PHARAOH. So the Land became PHARAOH's: who, lest the remembrance of their former Property by lively marks and continual remembrancers should stir them up (as the Vandals in *Africa*, strip'd in like manner of their Property, and yet remaining in their antient Grot. ad Gen. 47.

Book I.

Dwellings, were stir'd up by their Women) to Sedition, remov'd the People thus fold, or drove them like Cattle *even from one end of the borders of Egypt to the other end thereof*. In which you have the Balance of a sole Landlord or absolute Prince, with the miserable, and yet necessary consequence of an enslav'd People. Now the Balance of Governments throughout the Scriptures being of these kinds, and no other, the Balance of *Oceana* is exactly calculated to the most approv'd way, and the clearest *Footsteps of God in the whole History of the Bible*: and whereas the *Jubile* was a Law instituted for preservation of the popular Balance from alteration, so is the Agrarian in *Oceana*.

BUT says the Prevaricator, "Hocus Pocus, or in the name of Wonder, how can this Agrarian be the Foundation of that Government which had subsisted more than forty five years without it? For they were so long after the giving of this Law for the division of the Land, before they had the Land to divide."

WHICH is as if one should say upon that other Law of the like date, *Judges and Officers shalt thou make thee in all they gates; Hocus Pocus*, or in the name of Wonder, how should the Children of *Israel* make them Judges and Officers in their gates, before they had any gates to make them in? fine sport to be play'd by an Attorney for the Clergy with Scripture, where it is plain enough that the Laws of a Common-wealth were given by MOSES to an Army, to be put in execution when that Army should become a Common-wealth, as happen'd under JOSHUA."

BUT no saying will serve his turn. "If this Agrarian were meant as fundamental to the Government, the Provision (*he will have it*) was weak, and not proper for attaining the end propos'd, there being nothing in the nature of the Agrarian to hinder, but that the whole Conntry might for the space of near fifty years, that is, the time between the two Jubiles, have come into the hands of one man and so have destroy'd Balance, Agrarian, Government and all."

THIS they that boast of their Mathematicks might have taken the pains (before they had been so confident) to have demonstrated possible; as how or by what means one Lot could come in fifty years to be multiply'd six hundred thousand times, and that without Usury, which bar (the *Israelites* being no Merchants) was thought sufficient to be given: or thus to call the prudence of God by their impracticable Phantries in question is abominable.

I WOULD have Divines (as this Prevaricator persuades, and it should seem has persuaded some of them) to overthrow the Common-wealth of *Israel*; for otherwise I will give them my word they shall never be able to touch that of *Oceana*, which, except in the hereditary Succession and Dignity of the Princes of the Tribes, and the Patriarchs, and that the Senate was for life, differs not from the former: for as to the divers working up of the Superstructures in divers Common-wealths, according to the diversity of occasions, it comes to no accountable difference; and much, I conceive, of this carving or finishing in *Israel* (which had it been extant, would perhaps have shewn a greater resemblance) is lost. For the Senates, as to their numbers, that of the 300 in *Oceana*, considering the bulk of the People, exceeds not that of the Seventy in *Israel*; the Succession and Dignity of the Princes of the Tribes and of the Patriarchs was ordain'd for the preservation of the Pedigrees, which (CHRIST being born) are not any more to be of like

like consequence; and that the Senators were for life, deriv'd from a *Chap. II.*
former Custom of such a number of Elders exercising some Authority
in *Egypt* (tho' not that of the Senate till it was instituted by God)
from the descent of the Patriarchs into that Land, who being at their
descent seventy Persons, and governing their Families by the right of
Paternity, as the People increas'd, and they came to die, had their
Successors appointed in such a manner that the number of seventy, in
remembrance of those Patriarchs, was diligently preserv'd. And for-
asmuch as the Patriarchs governing their own Families (which at first
were all) in their own right, were consequently for life, this also pleas-
ed in the substitution of others. These things rightly consider'd, I
have not vary'd from the Authority of *Israel* in a tittle, there being
neither any such necessary use of Pedigrees, nor uninterrupted Succes-
sion of Elders for life in *Oceana*; and unless a man will say, That we
ought to have the like Effect where there is not the like Cause (which
were absurd) the Authority of a Common-wealth holds no otherwise
than from the Cause to the Effect.

OCEANA, I say, cannot be wounded but by piercing the Au-
thority of *Israel*, with which she is arm'd *Cap a Pe*. It is true, as
the Prevaricator says in another place, that *Law can oblige only those to* *Confid. p. 36.*
whom it was given; and that the Laws of Israel were given, as to the
Power or Obligation of them, only to the Children of Israel. But the
Power, as has been shewn, of a Common-wealth, and her Authority,
are different things; her Power extends no further than her own People,
but her Authority may govern others, as that of *Athens* did *Rome*,
when the latter wrote her *twelve Tables* by the Copy of the former.
In this manner, tho' a man, or a Common-wealth, writing out of an-
tient Governments, have liberty to choose that which suits best with
the occasion, out of any; (yet whether we consider the Wisdom and
Justice of the Legislator supremely good, or the excellency of the
Laws) the Prerogative of Authority, where the nature of the thing
admits it, must needs belong to *Israel*. That this opinion should go
fore with Divines, is strange; and yet, if there be any feeling of their
pulse by this their Advocate or Attorney, it is as true.

For while he finds me writing out of *Venice*, he tells me, " I have *In his Epist.*
wisely put my self under her Protection or Authority, against whom
he dares not make War, lest he should take part with the *Turk*."

BUT when he finds me writing out of *Israel*, he tells me, that " he
is not aware of any Prerogative of Authority belonging to the *Israel*- *Confid. p. 39.*
itish more than other Republic:" which is to take part with the
Devil.

SO much for *Israel*. Now for *Lacedemon*; but you will permit
me to shake a Friend or two by the hand, as I go.

THE first is ARISTOTLE, in these words:

" INEQUALITY is the source of all Sedition, as when the *Pol. L. 5. c. 3.*
Riches of one or the few come to cause such an over-balance as
draws the Common-wealth into Monarchy or Oligarchy; for pre-
vention whereof the Ostracism has been of use in divers places, as at
Argos and *Athens*. But it were better to provide in the beginning,
that there be no such Disease in the Common-wealth, than to come
afterwards to her Cure."

THE

The Prerogative

THE second is PLUTARCH, in these words :

Plut. Lycurg

“LYCURGUS judging that there ought to be no other inequality among Citizens of the same Common-wealth than what derives from their Virtues, divided the Land so equally among the *Lacedemonians*, that on a day beholding the Harvest of their Lots lying by Cocks or Ricks in the field, he laughing said, that it seem'd to him they were all Brothers.”

THE third should have been the Considerer, but he is at feud with us all.

Confid. p. 16.

THE Design of LYCURGUS, he professes, *was not so much to attain an Equality in the frame of his Government, as to drive into exile Riches, and the effects of them, Luxury and Debauchery.*

GENTLEMEN, What do you say? you have the Judgment of three great Philosophers, and may make your own choice; only except he that has but one hundred pounds a year, can have Wine and Women at as full command, and Retainers in as great plenty, as he that has ten thousand, I should think these advantages accru'd from Inequality, and that LYCURGUS had skill enough in a Common-wealth to see as much. No, says the Prevaricator, it appears far otherwise, *in that he admitted of no Money but old Iron, a Cartload of which was worth little.* Well, but in *Israel*, where Silver and Gold was worth enough, my Gentleman would have it, that *one man in the compass of fifty years might purchase the whole Land*, tho' that Country was much larger than this: and yet where, if the People had us'd Money, they would have us'd Trade, and using both, such a thing, thro' the straitness of the Territory, might have happen'd, he will not conceive the like to have been possible. No, tho' he has an example of it in *LYSANDER*, who by the spoil of *Athens* ruin'd the Agrarian, first by the over-balance that a man's Money came to hold to his Lot; then by eating out the Lots themselves, and in those the Equality of the Common-wealth. But these things he interprets pleasantly, as if the *Vow of voluntary Poverty* (so he calls it) *being broken, the Common-wealth, like a foresworn Wretch, had gone and hang'd her self*; a Phantasy too rank, I doubt, of the Cloyster, to be good at this work.

Plut. Lycurg.

BUT whereas PLUTARCH, upon the narrowness of these Lots (which had they been larger must have made the Citizens fewer than thirty thousand, and so unable to defend the Common-wealth) and use of this same old and rusty Iron instead of Money, observes it came by this means to pass that there was neither a *fine Orator, Fortune-teller, Baud, nor Goldsmith to be found in Lacedemon*; our Considerer professes,

“THAT it is to him as strange as any thing in History, that LYCURGUS should find credit enough to settle a Government, which carry'd along with it so much want and hardship to particular men, that the total absence of Government could scarce have put them in to a worse condition; the Laws that he made prohibiting the use of those things, which to enjoy with security, is that only to other men that makes the Yoke of Laws supportable.

HERE

HERE he is no Monk again; I would ask him no more, than that Chap. 11. he would hold to something, be it to any thing. It is true, we, who have been us'd to our Plumpottage, are like enough to make faces (as did the King of Pontus) at the Lacedemonian black broth: But who has open'd his mouth against Plumpottage, gilded Coaches, Pages, Lacquies, fair Mannor-houses, good Tables, rich Furniture, full Purfes, Universities, good Benefices, Scarlet Robes, square Caps, rich Jewels, or said any thing that would not multiply all this? *Why, says he, you are so far right, that the voice of LYCURGUS's Agrarian was, Every man shall be thus poor; and that of yours is, That no man shall be more than thus rich.* This is an Argument (an't please you) by which he thinks he has prov'd, that there is no difference between the Agrarian that was in Lacedemon, and that which is in Oceana: For, Sir, whatsoever is thus and thus, is like: But the Agrarian of Lacedemon was thus, A man could have no Money, or none that deserv'd that name; and the Agrarian of Oceana is thus, A man's Money is not confin'd: Therefore the Agrarian of the one, and of the other, are like. Was it not a great grievance in Lacedemon, think you, that they had no such Logic nor Logician? Be this as it will, *It had been impossible, says he, for LYCURGUS to have settled his Government, had he not wisely obtain'd a Response from the Oracle at Delphos, magnifying and recommending it: After which all resistance would have been downright Impiety and Disobedience, which concerns Mr. HARRINGTON very little.* The Bible then is not so good an Oracle as was that at Delphos. But this Reflection has a tang with it, that makes me think it relates to that where he says, *I know not how, but Mr. HARRINGTON has taken up a very great unkindness for the Clergy.* He will know nothing; neither that the Oracle of the Scripture is of all other the clearest for a Common-wealth, nor that the Clergy being generally against a Common-wealth, are in this below the Priests of Delphos, who were more for LYCURGUS than these are for MOSES. But have at the Agrarian of Oceana with the whole bail of Dice, and at five throws.

Confid. p. 18.

THE first throw is, *That it is unjust: For,*

IF it be truly asserted (in Oceana, Page the 39th) that Government is founded on Property, then Property consists in Nature before Government, and Government is to be fitted to Property, not Property to Government. How great a Sin then would it be against the first and purest notion of Justice, to bring in a Government not only different from but directly destructive to the settled Property of Oceana, where (in the 107th Page) there are confest to be three hundred Persons, whose Estates in Land exceed the Standard of two thousand pounds a year. Let me not be choak'd with the example of Lacedemon, till Mr. HARRINGTON has shewn us the Power of his Persuasion with the Nobility of Oceana, as LYCURGUS with them of Lacedemon, to throw up their Lands to be parcel'd by his Agrarian (as Page 111.) and when that is done, I shall cease to complain of the Injustice of it. Nor need any one of these three hundred be put to own a shame, for preferring his own Interest before that of a whole Nation; for tho' when Government is once fix'd, it may be fit to submit private to public Utility, yet when the question is of choosing a Government every particular man is left to his own native Right, which cannot be prescrib'd against by the Interest of all the rest of Mankind.

Confid. p. 81.

Book I.

HOW many false Dice there are in this throw (because you see I have little to do) will be worth counting.

WHEREAS I no where deny Property to derive her being from Law; he insinuates that I presume Property to be in Nature. There's *One.*

WHEREAS in natural and domestic Vicissitude, I assert, That Empire is to follow the Legal State of Property; he imposes, as if I had asserted, that Empire must follow the natural state of Property. *Two.*

WHEREAS in violent or foreign Vicissitude (as when *Israelites* possess themselves of the Land of *Canaan*, the *Goths* and *Vandals* of *Italy*, the *Franks* of *France*, the *Saxons* of *England*) Property, in order to the Government to be introduc'd, is alterable; he insinuates as if I had said, that Empire must always follow the state of Property, not as it may be alter'd in that relation, but as it is found. *Three.*

WHEREAS the Government of *Oceana* is exactly fitted to Property, as it was settl'd before; he insinuates it to be destructive to the settl'd Property. *Four.*

WHEREAS I say, that to put it with the most, they that are Proprietors of Land in *Oceana*, exceeding two thousand pounds a year, do not exceed three hundred Persons; he says, that I have confest they be three hundred. *Five.*

WHEREAS I shew that the Nobility of *Lacedemon*, upon the persuasion of *LYCURGUS*, threw up their Estates to be parcel'd by his Agrarian; but that in *Oceana*, it is not needful or requir'd that any man should part with a Farthing, or throw up one shovel-ful of his Earth: he imposes, as if I went about to persuade the Nobility to throw up their Lands. *Six.*

WHEREAS I have shewn that no one of those within the three hundred can have any Interest against the Agrarian; he, without shewing what such an Interest can be, insinuates that they have an Interest against it. *Seven.*

WHEREAS the Government of *Oceana* goes altogether upon consent, and happens not only to fit private to public, but even public to private Utility, by which means it is void of all Objection; he insinuates, that it is against private Utility. *Eight.*

WHERE he says, that *in choosing a Government every man is left to his own native Right*; he insinuates that the Agrarian (which does no more than fix Property, as she found it) is against native Right. *Nine.*

WHEREAS God has given the Earth to the Sons of men, which native Right (as in case a man for hunger takes so much as will feed him, and no more, of any other man's meat or herd) prescribes against legal Property, and is the cause why the Law esteems not such an Action to be Theft; he insinuates that there is a native Right in legal Property, *which cannot be prescrib'd against by the Interest of all the rest of Mankind.* *Ten.*

WHILE he pleaded the case of Monarchy, Levelling was concluded lawful; in the case of a Common-wealth, which asks no such favour, Levelling is concluded unlawful. *Eleven.*

IN the Reformation or Level as to Monarchy, tho' Property subsisted before that Level, yet Property was to be fitted to the Government, and not the Government to Property; but in the case of a Common-wealth

mon-wealth the Government is to be fitted to Property, and not Pro- Chap. 11.
perty to the Government. *Twelve.*

IN that, any man was bound to relinquish his native Right, else how could a Prince level his Nobility? In this, no man is bound to relinquish his native Right. *Thirteen.*

IN that, this same native Right might be prescrib'd against by the Prince; in this, it cannot be prescrib'd against by the Interest of Mankind. *Fourteen.*

IN that, no Nobleman but ought to own a shame if he prefer'd his Interest before that of the Prince; in this, *no Nobleman ought to own a shame for preferring his own Interest before that of a whole Nation.* Fifteen.

WOULD you have any more? these fifteen *majors* and *minors*, or false Dice, are soop'd up again, and put all into this Conclusion or Box, like themselves.

THUS the Interest of the three hundred is not balanc'd with that of a whole Nation, but that of some few extravagant Spirits; who, by making Dams in the Current of other men's Estates, hope to derive some Water to their own parch'd Fortunes.

CALUMNIARE fortiter, nihil adhærebit. If a River has but one natural Bed or Channel, what Dam is made in it by this Agrarian? but if a River has had many natural Beds or Channels, to which she has forgot to reach her Breast, and whose Mouths are dry'd up or obstructed; these are Dams which the Agrarian does not make, but remove: and what parch'd Fortunes can hereby hope to be water'd, but theirs only, whose Veins having drunk of the same Blood, have a right in Nature to drink of the same Milk? The Law of MOSES allow'd the first-born but a double portion: was his an extravagant Spirit?

HIS second throw is, That the nature of the Agrarian is such as cannot be fix'd, in regard that the People being intrusted with a Vote and a Sword, may alter it for the less, or come to downright Levelling. But as to this, in the 8th Chapter I have bar'd his Dice, that being the place in which I thought most proper to give a full Answer to this Objection.

AT the third throw, he is extreme aukward. For whereas the Israelites (notwithstanding the Voyages of SOLOMAN, and what is said of the Ships of Tharsis) during their Agrarian, or while they had Land, were a Common-wealth of Husbandmen, and not of Merchants, nor came to the exercise of this Trade, till they had no Land, or after their dispersion by the Emperor ADRIAN; he scrues it in, after this manner—As the Jews who have no Lands, are every where great Traders; so the possession of Lands being limited by this Agrarian, men who are either covetous or ambitious (as if Estates were not got by Industry, but by Covetousness and Ambition) will employ themselves and their Estates in foreign Traffic, which being in a manner wholly ingross'd by the Capital City of Oceana, that City, already too great, will immediately grow into an excess of Power and Riches, very dangerous to the Common-wealth; Amsterdam being come by such means to exercise of late a Tyranny in the disposal of some public Affairs, much to the prejudice both of the Liberty and Interest of the rest of the Union. An equal, if not greater Incommodity to Oceana, would be created by the Agrarian which making Emporium a City of Princes, would render the Country
a Com-

Confid. p. 85.

Book. I. *a Common-wealth of Cottagers, able to dispute Precedence with the Beggar's-Bush.*

NEWS, not from *Tripoli*, nor any other corner of the whole World but one. Bate me this, and shew me in what other City increase of Houses or new Foundations was ever held a Nuisance. This sure is a Phanasy that regards not the old Folks, or antient Prudence.

ONE of the Blessings that God promis'd to ABRAHAM, was, that *his Seed should be multiply'd as the Stars of Heaven*: And the Common-wealth of *Rome*, by multiplying her Seed, came to bound her Territory with the Ocean, and her Fame with the Stars of Heaven. That such a Populoufness is that without which there can be no great Common-wealth, both Reason and good Authors are clear; but whether it ought to begin in the Country, or in the City, is a scruple I have not known them make. That of *Israel* began in the Country, that of *Rome* in the City. Except there be obstruction or impediment by the Law, as in *Turky* where the Country, and in *England* where the City is forbid to increase; wherever there is a populous Country, for example *France*, it makes a populous City, as *Paris*; and wherever there is a populous City, as *Rome* after the ruin of *Alba*, and *Amsterdam* after the ruin (as to Trade) of *Antwerp*, it makes a populous Territory, as was that of the Rustic Tribes, and is that of *Holland*.

BUT the ways how a populous City comes to make a populous Country, and how a populous Country comes to make a populous City, are contrary; the one happening thro' sucking, as that of the City, and the other thro' weaning, as that of the Country.

FOR proof of the former: the more mouths there be in a City, the more meat of necessity must be vented by the Country, and so there will be more Corn, more Cattle, and better Markets; which breeding more Labourers, more Husbandmen, and richer Farmers, bring the Country so far from a Common-wealth of Cottagers, that where the Blessings of God, thro' the fruitfulness of late years with us, render'd the Husbandmen unable to dispute Precedence with the *Beggar's-Bush*, his Trade thus uninterrupted, in that his Markets are certain, goes on with increase of Children, of Servants, of Corn, and of Cattle: for there is no reason why the Fields adjoining to *Emporium*, being but of a hard soil, should annually produce two Crops, but the Populoufness of the City.

THE Country then growing more populous, and better stock'd with Cattle, which also encreases Manure for the Land, must proportionably encrease in fruitfulness. Hence it is that (as the *Romans* also were good at such works) in *Holland* there is scarce a puddle undrain'd, nor a bank of Sand cast up by the Sea, that is not cover'd with Earth, and made fruitful by the People; these being so strangely, with the growth of *Amsterdam*, encreas'd, as comes perhaps to two parts in three: nor, the Agrarian taking place in *Oceana*, would it be longer disputed, whether she might not destroy Fishes to plant Men. Thus a populous City makes a Country milch, or populous by sucking; and whereas some may say, that such a City may suck from foreign parts, it is true enough, and no where more apparent than in *Amsterdam*. But a City that has recourse to a foreign Dug, e'er she had first suck'd that of her proper Nurse or Territory dry, you shall hardly find; or finding (as in some Plantation not yet wean'd) will hardly be

be able to make that Objection hold, seeing it will not lie so much Chap. 11.
against the Populoufness of the place, as the contrary.

BUT a populous Country makes a populous City by weaning; for when the People increase so much, that the dug of Earth can do no more, the overplus must seek some other way of Livelihood: which is either Arms, such were those of the *Goths* and *Vandals*; or Merchandize and Manufacture, for which ends it being necessary that they lay their Heads and their Stock together, this makes populous Cities. Thus *Holland* being a small Territory, and suck'd dry, has upon the matter wean'd the whole People, and is thereby become as it were one City that sucks all the World.

BUT by this means, says the Considerer, Emporium *being already too great* (while indeed *Amsterdam*, considering the narrowness of the Territory, or the smallness of *Holland*, is much more populous) *would immediately grow into an excess of Power and Riches, very dangerous to Liberty, an example whereof was seen in the late Tyranny of that City*: As if it were not sufficiently known that *Amsterdam* contributes, and has contributed more to the defence of the Common-wealth, or United Provinces, than all the rest of the League, and had in those late Actions which have been scandaliz'd, resisted not the Interest of Liberty, but of a Lord. That the increase of *Rome*, which was always study'd by her best Citizens, should make her Head too great for her Body, or her Power dangerous to the Tribes, was never so much as imagin'd; and tho' she were a *City of Princes*, her rustic Tribes were ever had in greatest esteem and Honour; insomuch, that a Patrician would be of no other.

BUT the Authority of antient Common-wealths is needless; the Prevaricator by his own Argumentation or Might, lays himself neck and heels.

FOR, says he, *Were this Agrarian once settled, Emporium would be a City of Princes, and the Nobility so thoroughly plum'd, that they would be just as strong of wing, as wild Fowl in moulting time.* There would be a City of Princes, and yet no Nobility. He is so fast that I have pity on him, if I knew but which way to let him loose. He means perhaps, that the Merchants growing rich, would be the Nobility; and the Nobility growing poor, would be Grainers. Confid. p. 93.

BUT so for ought I know it was always, or worse, that is, men attain'd to Riches and Honours by such or worse Arts, and in Poverty made not always so honest Retreats. To all which Infirmities of the State, I am deceiv'd if this Agrarian does not apply the proper Remedies. For such an Agrarian makes a Common-wealth for increase: the Trade of a Common-wealth for increase, is Arms; Arms are not born by Merchants, but by Noblemen and Gentlemen. The Nobility therefore having these Arms in their hands, by which Provinces are to be acquir'd, new Provinces yield new Estates; so whereas the Merchant has his returns in Silk or Canvas, the Soldier will have his return in Land. He that represents me as an Enemy to the Nobility, is the man he speaks of; for if ever the Common-wealth attains to five new Provinces (and such a Common-wealth will have Provinces enow) it is certain, that (besides Honours, Magistracies, and the Revenues annex'd) there will be more Estates in the Nobility of *Oceana*, of fourteen thousand pounds Land a year, than ever were, or can otherwise be of four; and that without any the least danger to the

Book I. Common-wealth: for if *Rome* had but look'd so far to it, as to have made good her Agrarian in *Italy*, tho' she had neglected the rest, the Wealth of her Nobility might have suck'd her Provinces, but must have enrich'd the People; and so rather have water'd her Roots, than starv'd and destroy'd them, as it did. In this case therefore the Nobility of *Oceana* would not moult like wild Fowl, but be strong of wing as the Eagle.

ONE Argument more I have heard urg'd against the Populoufness of the Capital City, which is, That the Rich in time of sickness forsaking the place, by which means the Markets come to fail, the Poor, lest they should starve, will run abroad, and infect the whole Country. But should a man tell them at *Paris*, or *Grand Cairo* (in the latter whereof the Plague is more frequent and furious than happens with us) that they are not to build Houses, nor increase so much, lest they should have the Plague; or that Children are not to be born so fast, lest they die, they would think it strange news. A Common-wealth is furnish'd with Laws, and Power to add such as she shall find needful. In case a City be in that manner visited, it is the duty of the Country, and of the Government, to provide for them by contribution.

Confid. p. 87. *THE difficulty in making the Agrarian equal and steady thro' the rise or fall that may happen in Money*, which is the fourth throw of the Prevaricator, is that which it might have been for his ease to have taken notice was long since sufficiently bar'd, where it is said, That if a new Survey at the present Rent was taken, an Agrarian ordaining that no man should thenceforth hold above so much Land as is there valu'd at the rate, however Money might alter, would be equal and steady enough.

Confid. p. 89. HIS last cast is, *That the Agrarian would mak War against universal and immemorial Custom; which being without doubt more prevalent than that of Reason, there is nothing of such difficulty as to persuade men at once, and crudely, that they and their Forefathers have been in an Error.*

Essay 24. WISE men, I see, may differ in Judgment or Counsil: for, says Sir FRANCIS BACON, " Surely every Medicine is an Innovation, and " he that will not apply new Remedies must expect new Evils: for " Time is the greatest Innovator; and if Time of course alters things " to the worse, and Wisdom and Council may not alter them to the " better, what must be the end?

BUT the case of the Agrarian receives equal strength from each of these Counsellors or Opinions: from the latter, in that it goes upon grounds which *Time has not innovated for the worse, but for the better*; and so according to the former comes not to have been at once, and crudely persuaded, but introduc'd by Custom, now grown universal and immemorial. For who remembers the Gentry of this Nation to have worn the blue Coats of the Nobility, or the lower sort of People to have liv'd upon the smoak of their Kitchens? On the contrary, Is it not now an universal Custom for men to rely upon their own Fortunes or Industry, and not to *put their trust in Princes*, seeking in their Liberality or Dependence the means of living? The Prevaricator might as well jump into his great Grandfather's old Breeches, and persuade us that he is *a la mode*, or in the new cut, as that the ways of our Forefathers would agree with our Customs. Does not every man

now

now see, that if the Kings in those days had settl'd the Estates of the Nobility by a Law, restraining them from selling their Land, such a Law had been an Agrarian, and yet not warring against their antient Customs, but preserving them? Wherefore neither does the Agrarian propos'd, taking the Balance of Estates as she now finds them, make War against, but confirm the present Customs. The only Objection that can seem in this place to lie, is, that whereas it has been the Custom of *Oceana* that the bulk of the Estate should descend to the eldest Son, by the Agrarian he cannot, in case he has more Brothers, inherit above two thousand pounds a year in Land, or an equal share. But neither does this, whether you regard the Parents or the Children, make War with Custom. For putting the case the Father has twenty thousand pounds a year in Land, he goes not the less in his custom or way of Life for the Agrarian, because for this he has no less: and if he has more or fewer Sons to whom this Estate descends by equal or unequal portions, neither do they go less in their ways or customs of Life for the Agrarian, because they never had more. *But*, says ARISTOTLE Pol. L. 3. c. 9. (speaking of the Ostracism as it supplies the defect of an Agrarian) *this course is as necessary to Kings as to Common-wealths.* By this means the Monarchies of *Turky* and of *Spain* preserve their Balance; thro' the neglect of this has that of the Nobility of *Oceana* been broken: and this is it which the Prevaricator, in advising that the Nobility be no further level'd than will serve to keep the People under, requires of his Prince. So, That an Agrarian is necessary to Government, be it what it will, is on all hands concluded.

C H A P. XII.

Whether Courses or a Rotation be necessary to a well-order'd Common-wealth. In which is contain'd the Courses or Parembol of Israel before the Captivity, together with the Epitome of Athens and Venice.

ONE bout more and we have done: This (as reason good) will be upon Wheels or Rotation: For, Oceana, p. 54.

AS the Agrarian answers to the equality of the Foundation or Root, so does Rotation to the equality of the Superstructures or Branches of a Common-wealth.

EQUAL Rotation is equal Vicissitude in, or Succession to Magistracy confer'd for equal terms, injoining such equal Vacations, as cause the Government to take in the Body of the People, by parts succeeding others, thro' the free Election or Suffrage of the whole.

THE contrary whereto is prolongation of Magistracy, which, trashing the wheel of Rotation, destroys the Life or natural Motion of a Common-wealth.

THE Prevaricator, whatever he has done for himself, has done this for me, that it will be out of doubt whether my Principles *be capable of greater Obligation or Confirmation, than by having Objections made against them.* Nor have I been altogether ungrateful, or nice of my Labour, but gone far (much farther than I needed) about, that I might return with the more valuable Present to him that sent me on the errand:

Book I. errand: I shall not be short of like proceeding upon the present Subject, but rather over.

ROTATION in a Common-wealth is of the Magistracy, of the Senate, of the People; of the Magistracy and the People; of the Magistracy and the Senate; or of the Magistracy, of the Senate, and of the People: which in all come to fix kinds.

Grot. FOR example of Rotation in the Magistracy, you have the Judge of *Israel*, call'd in Hebrew *Shophet*. The like Magistracy after the Kings *ITHOBAL* and *BAAL* came in use with the *Tyrians*; from these, with their Posterity the *Carthaginians*, who also call'd their supreme Magistrates, being in number two, and for their Term Annual, *Shophetim*, which the Latins by a softer Pronunciation render *Suffetes*.

THE *Shophet* or *Judge of Israel* was a Magistrate, not, that I can find, oblig'd to any certain term, throughout the Book of *Judges*; nevertheless, it is plain, that his Election was occasional, and but for a time, after the manner of a Dictator.

TRUE it is, that *ELI* and *SAMUEL* rul'd all their lives; but upon this such impatience in the People follow'd, thro' the corruption of their Sons, as was the main cause of the succeeding Monarchy.

THE Magistrates in *Athens* (except the *Areopagites*, being a Judiciary) were all upon Rotation. The like for *Lacedemon* and *Rome*, except the Kings in the former, who were indeed hereditary, but had no more Power than the Duke in *Venice*, where all the rest of the Magistrates (except the *Procuratori*, whose Magistracy is but mere Ornament) are also upon Rotation.

Pol. I. 2. c. 7. FOR the Rotation of the Senate you have *Athens*, the *Achæans*, *Ætolians*, *Lycians*, the *Amphictionium*; and the Senate of *Lacedemon* reprov'd, in that it was for life, by *ATISTOTLE*: Modern Examples of like kind are the Diet of *Switzerland*, but especially the Senate of *Venice*.

1 Chron. 27. 1. FOR the Rotation of the People, you have first *Israel*, where the Congregation (which the *Greeks* call *Ecclesia*; the *Latins*, *Comitia*, or *Concio*) having a twofold capacity; first, that of an Army, in which they were the constant Guard of the Country; and, secondly, that of a Representative, in which they gave the Vote of the People, at the creation of their Laws, or election of their Magistrates, was Monthly. Now the Children of *Israel* after their Number, to wit, the chief Fathers and Captains of thousands and hundreds, and their Officers that serv'd the King in any matter of the Courses, which came in and went out month by month, throughout all the months of the year, of every Course were twenty and four thousand.

Grot. ad loc. SUCH a multitude there was of military Age, that without inconvenience, four and twenty thousand were every month in Arms, whose term expiring, others succeeded, and so others; by which means the Rotation of the whole People came about in the space of one year. The Tribunes, or Commanders of the Tribes in Arms, or of the Prerogative for the month, are nam'd in the following part of the Chapter, to the sixteenth Verse; where begins the enumeration of the Princes (tho' *GAD* and *ASHUR*, for what reason I know not, be omitted) of the Tribes, remaining in their Provinces, where they judg'd the People, and as they received Orders, were to bring or send such farther Inforcement or Recruits as occasion requir'd to the Army: after these, some other

Other Officers are mention'd. There is no question to be made but this Chap. 12. Rotation of the People, together with their Prerogative or Congregation, was preserv'd by the monthly Election of two thousand Deputies in each of the twelve Tribes, which in all came to four and twenty thousand; or let any man shew how otherwise it was likely to be done, the nature of their Office being to give the Vote of the People, who therefore sure must have chosen them. By these the Vote of the People was given to their Laws, and at Elections of their Magistrates.

TO their Laws, as where DAVID proposes the reduction of the Ark: *And DAVID consulted with the Captains of thousands and hundreds, and with every Leader. And DAVID said to all the Congregation of Israel, If it seems good to you, and it be of the Lord God, let us send abroad to our Brethren every where (the Princes of Tribes in their Provinces) that are left in the Land of Israel, and with them also to the Priests and Levites, which are in the Cities and Suburbs, that they may gather themselves to us; and let us bring again the Ark of our God to us, for we enquir'd not at it in the days of SAUL. And all the Congregation (gave their Suffrage in the Affirmative) said that they would do so; for the thing was right in the eyes of the People. Nulla lex sibi soli conscientiam Justitiæ suæ debet, sed eis a quibus obsequium expectat.* Now that the same Congregation or Representative gave the Vote of the People also in the Election of Priests, Officers and Magistrates; Moreover DAVID and the Captains of the Host separated to the Service of the Sons of ASAPH, and of HEMAN, and of JEDUTHUN, who should prophesy with Harps, with Psalteries, and with Cymbals. But upon the occasion to which we are more especially beholden for the preservation and discovery of this admirable Order (DAVID having propos'd the business in a long and pious speech) the Congregation made SOLOMON the Son of DAVID King the second time, and anointed him to the Lord to be chief Governor, and ZADOK to be Priest. For as to the first time that SOLOMON was made King, it happen'd, thro' the Sedition of ADONIJAH, to have been done in haste and tumultuously by those only of Jerusalem; and the reason why ZADOK is here made Priest, is, that ABIATHAR was put out for being of the Conspiracy with ADONIJAH.

I MAY expect (by such Objections as they afford me) it should be alledg'd, that to prove an Order in a Common-wealth, I instance in a Monarchy; as if there were any thing in this Order monarchical, or that could, if it had not been so receiv'd from the Common-wealth, have been introduc'd by the Kings, to whom in the judgment of any sober man (the Prevaricator only excepted, who has been huckling about some such Council for his Prince) no less could have follow'd upon the first frown of the People, than did in REHOBOAM, who having us'd them roughly, was depos'd by the Congregation, or the major part. It is true, that while Israel was an Army, the Congregation, as it needed not to assemble by way of Election or Representative, so I believe it did not; but that by all Israel assembl'd to this end, should be meant the whole People after they were planted upon their Lots, and not their Representative, which in a political sense is as properly so called, were absurd and impossible. Nor need I go upon presumption only, be the same never so strong, seeing it is said in Scripture of the Korathites, that they were keepers of the Gates of the Tabernacle, and their Fathers being over the Host of the Lord, were keepers of the Entry: That is, (according to the Interpretation of GROTIUS) the Korathites were

Book. I. now keepers of the Gates, as it appears in the Book of *Numbers*, their
 Numb. 4. Ancestors the *Kobathites* had been in the Camp, or while *Israel* was yet
 an Army. But our Translation is lame in the right foot, as to the true
 discovery of the antient manner of this service, which according to the
 Septuagint and the vulgar Latin was thus, *they were keepers of the gates*
of the Tabernacle (οἱ πατέρες αὐτῶν ὅτι τῆς παρεμβολῆς, & *familia eorum per*
vices) and *their Fathers by turns, or Rotation*. So that Offices and
 Services by Courses, Turns, or Rotation, are plainly more antient
 than Kings in the Common-wealth of *Israel*; tho' it be true that
 when the Courses or Rotation of the Congregation or Representative
 of the People were first introduced, is as hard to shew, as it would be
 how, after the People were once planted upon their Lots, they could
 be otherwise assembled. If Writers argue well and lawfully from what
 the *Sanhedrim* was in the institution by *JEHOSAPHAT*, to what it had
 more antiently been; to argue from what the Congregation was
 in the institution by *DAVID*, to what it had more antiently been is
 sufficiently warranted.

THESE things rightly considered, there remains little doubt but
 we have the courses of *Israel* for the first example of Rotation in a
 popular Assembly. Now to come from the *Hebrew* to the *Grecian* Pru-
 dence, the same is approved by *ARISTOTLE*, which he exemplifys
 in the Common-wealth of *THALES MILESIUS*, where the People,
 Pol. I. 4. c. 14. he says assembl'd (τὸ καὶ μὴ πᾶντας ἀθροῦς) by turns or *Rota-*
tion. Nor is the *Roman* Prudence without some shadow of the like
 Proceeding, where the Prerogative (*pro tempore*) with the *jure vocatæ*,
 being made by Lot, gave frequently the Suffrage of the whole People.
 But the *Gothic* Prudence in the Policy of the third State runs alto-
 gether upon the Collection of a Representative by the Suffrage of the
 People tho' not so diligently regulated, by Terms and Vacations, as
 to a standing Assembly were necessary, by Turns, Rotation, *Parem-*
bole or Courses) as in the election of the late House of Commons and
 the constitutive Vicissitude of the Knights and Burgeffes, is known by
 sufficient Experience.

WHEN the Rotation of a Common-wealth is both in the Ma-
 gistracy and the People, I reckon it to be a fourth kind, as in *Israel*,
 where both the Judge and the Congregation were so elected.

THE fifth kind is when the Rotation of a Common-wealth is in
 the Magistracy and the Senate, as in those of *Athens*, of the *Acbeans*,
 of the *Ætolians*, of the *Lycians*, and of *Venice*; upon which Exam-
 ples rather for the influence each of them, at least *Athens*, may have
 upon the following Book, than any great necessity from the present
 occasion, I shall inlarge in this place.

THE Common-wealth of *Athens* was thus administer'd.

THE Senate of the *Bean* being the proposing Assembly (for that of
 the *Areopagits*, call'd also a Senate, was a *Judicatory*) consisted of four
 hundred Citizens chosen by Lot, which was perform'd with Beans.
 These were annually remov'd all at once: By which means *Athens* be-
 came frustrated of the natural and necessary use of an Aristocracy, while
 neither her Senators were chosen for their parts, nor remain'd long
 enough in this Function to acquire the right understanding of their pro-
 per Office. These thus elected, were subdivided by Lot into four
 equal parts, call'd *Prytans*, each of which for one quarter of the year
 was

Epitome of the
 Athenian Com-
 mon-wealth.

was in office. The *Prytany*, or *Prytans* in office, elected ten *Presi-* Chap. 12.
dents, call'd *Proedri*, out of which *Proedri* or Presidents they weekly
chose the Provost of the Council, who was call'd the *Epistata*,
The *Epistata* and the *Proedri* were the more peculiar Proposers to the
Prytans, and to the *Prytans* it belong'd especially to prepare business;
(*απο τῆς ἐκ βουλῆς καὶ ἀπὸ τῆς ἐκκλησίας*) for the Senate. They gave also au- Petit. de Leg.
dience to any that would propose any thing concerning the Common- Att.
wealth, which if, when reported by the *Prytans*, it were approv'd
by the Senate, the party that propos'd might promulgate the business;
and Promulgation being made, the Congregation assembled, and deter-
min'd of it. *Sic data concio Lælio est, processit ille, & Græcus apud* Cic. pro Flac:
Græcos non de culpa sua dixit, sed de pœna questus est porrexerunt
manus, Psephisma natum est.

THE *Prytans* and their Magistrates had right to assemble the Senate,
and propose to them; and what the Senate determined upon such a
Proposition, if forthwith to be offered to the People, as in private cases,
was call'd *Proboulema*; but if not to be propos'd till the People had a
years trial of it, as was the ordinary way in order to Laws to be enact-
ed, it was called *Psephisma*; each of which words, with that difference,
signify a Decree. A Decree of the Senate in the latter sense had for
one year the power of a Law, after which trial it belong'd to the *Thef-*
mothetæ (*θεσμοθέται*) to hang it in writing upon the Statues of the He-
roes and assemble the Congregation. These Magistrates were of the Ulpian. ad
number of the *Archons*, which in all were nine; the chief, more pecu- Phil. 1.
liarly so call'd, was *ARCHON EPONYMUS*, he by whose name the
year was reckoned or denominated (his Magistracy being of a Civil
concernment) the next was the King (a Magistrate of a Spiritual con- Poll. l. 8. c. 8.
cernment) the third the Polemarch (whose Magistracy was of a Mili-
tary concernment (the other six were the *Thefmothetæ*, who had se-
veral Functions common with the nine; others peculiar or proper to
themselves, as (*αγορεύειν*) to give the People (by Placarts) notice when
the Judicatories were to assemble, that is, when the People were to
assemble in that capacity, and to judge according to the Law made;
or, when the Senate or the People were to assemble upon an *ἵσταγγελίον*,
a Crime, that was not provided against by the Law, as that of *ALCI-*
BIADES (the Wits about that time in *Athens* being most of them
Atheists) for laughing at *CERES*, discovering her Secrets, and shaving
of the *MERCURYS*. If an *Archon* or *Demagog* was guilty of such a
Crime, it belong'd to the cognizance of the Senate, otherwise to that
of the People, whom the *Thefmothetæ* were also in like manner to L. 8. c. 16:
warn, when they were to come to the Suffrage.

THESE six, like the Electors in *Venice*, presided at all Elections
of Magistrates, whether made by the Lot as the Judges, or by Suffrage
as the new *Archons*, the *Stratageus* or General, and most of the rest.
They had also the hearing and introducing of all Causes into the Judi-
catories.

BUT the right of assembling the *Ecclesia* or Congregation belong'd
to the *Prytans*, by whom the Senate propos'd to the People.

THE Congregation consisted of all them that were upon the Roll
of the *Lexiarcha*, that is to say of the whole People having right to the
City. The *Prytans* seated upon a Tribunal, were Presidents of this
Assembly; the Assembly having sacrific'd and made Oath of Fidelity
to the Common-wealth, the *Proedri* or Presidents of the *Prytans*
propos'd

Book I. propos'd by *Authority of the Senate to the People* in this manner: July the 16th POLICLES being Archon, and the Tribe of Pandion in the Prytaneat, DEMOSTHENES PÆANEUS thought thus, or was of this opinion. The same Custom whereby the first Proposer subscribes his Opinion or Part with his Name, is at this day in *Venice*. Proposition being made, such of the People as would speak were call'd to the Pulpit; they that were fifty years of Age, or upwards, were to come first, and the younger afterwards; which custom of prating in this manner made excellent Orators or Demagogs, but a bad Commonwealth.

FROM this, that the People had not only the Result of the Commonwealth, but the Debate also, *Athens* is called a Democracy; and this kind of Government is oppos'd to that of *Lacedemon*, which, because the People there had not the power of Debate, but of Result only, was called an *Aristocracy*, sometimes an *Oligarchy*: thus the *Greeks* commonly are to be understood, to distinguish these two; while according to my Principles, if you like them, Debate in the People makes Anarchy; and where they have the Result and no more, the rest being manag'd by a good Aristocracy, it makes that which is properly and truly to be called *Democracy*, or *Popular Government*. Neither is this Opinion of mine new, but according to the Judgment of some of the *Athenians* themselves; for says ISOCRATES in his Oration to the *Areopagits* for Reformation of the *Athenian* Government, *I know the main reason why the Lacedemonians flourish to be, that their Commonwealth is popular*. But to return. As many of the People as would, having shew'd their Eloquence, and with these the Demagogs, who were frequently brib'd, conceal'd their Knavery; the *Epistata*, or Provost of the *Proedri*, put the Decree or Question to the Vote, and the People gave the Result of the Commonwealth by their *Chirotonia*, that is, by holding up their Hands: the Result thus given, was the Law or *Psephisma* of the People.

Dem. Phil. 1. NOW for the Functions of the Congregation, they were divers; as first, Election of Magistrates; (οὐκ ἔχειροτονεῖτε δὲ ἐξ ὑμῶν αὐτῶν δέκα Ταξάρχους καὶ Στρατηγούς καὶ Φυλάρχους καὶ Ἰππάρχους δύο) namely, the Archons, the Strategus or General, the Field Officers, the Admirals, with divers others, all, or the chief of them annual, and commonly upon Terms and Vacations; though it be true, as PLUTARCH has it, that PHOCION was Strategus four years together, having that Honour still put upon him by the Congregation without his seeking. The next Office of this Assembly was to elect Judges into five Courts or Judicatories; for the People being in the Bulk too unweildy a Body for the performance of this Duty, they exercis'd the supreme Judicature by way of Representative, into which Election was made by Lottery, in such a manner that five hundred, one thousand, or 1500 of them (according to the importance of the occasion) being above thirty years of Age, and within the rest of the Qualifications in that case provided by the Law, became the Sovereign Judicatory, called the *Heliaea*. In all Elections, whether by Lot or Suffrage, the *Thesmothetæ* were Presidents, and ordered the Congregation. Furthermore, if they would amend, alter, repeal, or make a Law, this also was done by a Representative, of which no man was capable that had not been of the *Heliaea*, for the rest elected out of the whole People: this amounting to one thousand, was called the *Nomothetæ* or Legisla-

Legislators. No Law receiv'd by the People could be abrogated but Chap. 12. by the *Nomothetæ*; by these any *Athenian*, having obtained leave of the Senate, might abrogate a Law, provided withal he put another in the place of it. These Laws the *Proedri* of the *Prytans* were to put to the Suffrage.

FIRST, the old, whether it agreed with the *Athenian* People, or not? then the new; and whether of these happen'd to be chirotoniz'd or voted by the *Nomothetæ*, was ratify'd, according to that piece of the *Athenian* Law cited by DEMOSTHENES against TIMOCRATES, ὁπότερον δ' ἂν τῶν νόμων χειροτονήσῃσιν οἱ νομοθέται, τοῦτον κύριον εἶναι. What has been said of the Common-wealth of *Athens*, in relation to the present purpose, amounts to thus much, That not only the Senate and the Magistracy in this Policy was upon Rotation, but even the People also, at least as to the *Nomothetæ*, or their Legislative Power, and the Supreme Judicatory of the *Heliaea*, each of these being a Representative, constituted of one thousand, or fifteen hundred Citizens.

BUT for what follows in the second Book, it is necessary that I observe in this place the proceeding of certain Divines, who endeavour to make use of this Common-wealth for ends of their own, as particularly Dr. SEAMAN; who in his Book call'd *Four Propositions*, argues after this manner.

" CHIROTONIA (as SUIDAS has it) signifies both *Plebiscitum*, a Law made by the People, and *Psephisma*. Now, says he, *Psephisma* is the ordinary word us'd in the *Attic* Laws, and in DEMOSTHENES for *Senatusconsultum*, a Law made by the Senate: whence he draws this Conclusion; As, when the People make a Law, they are said to Chirotonize; so may the Rulers, in like manner, in those Laws that are made by themselves alone.

THESE ways with Divines are too bad. The words of SUIDAS are these (χειροτονία, ἐκλογή, πάντων κύρωσι;) Chirotonia is *Election or Ratification by the Many*: which expressly excludes the Few or the Senate from being otherwise contain'd by the word *Chirotonia*, than a part is by the whole. Nor has the Author the word *Psephisma* or *Plebiscitum* in the place. I would fain know what other word there is in *Greek* for *Plebiscitum* but *Psephisma*; and yet the Doctor puts it upon SUIDAS, that he distinguishes between these two, and taking that for granted where he finds *Psephisma* in DEMOSTHENES and the *Attic* Laws, will have it to signify no more than a Decree of the Senate. It is true that some Decrees of the Senate were so call'd, but those of the People had no other name; and whenever you find *Psephisma* in DEMOSTHENES or the *Attic* Laws, for a Law, there is nothing more certain than that it is to be understood of the People: for to say that a Law in a Popular Common-wealth can be made without the People, is a Contradiction.

THE second Passage is a What think you of these words of Poll. lib. 8. c. 9

POLLUX, ἰδία δὲ οἱ μὲν θεσμοθέται προγράφουσιν, τίτε δὲ δικάζειν τὰ δικαστήρια, καὶ τὰς εἰσαγγελίας εἰσαγγέλλουσιν εἰς τὸ δῆμον καὶ τὰς χειροτονίας. Which the Doctor having english'd in this manner, *The Thesmothetæ do privately prescribe when Judgment is to be given, and promulge public Accusations and Suffrages to the People*, asks you whose Suffrages were these, if not the Rulers? By which strange Construction, where POLLUX having first related in what part the

Book II. the function of the *Thesmothetæ* was common with that of the nine Archons, comes (ἰδὲ αὖτε) to shew you what was peculiar to themselves, namely, to give notice when the *Heliaea* or other Judicatories were to assemble; the Doctor renders it, *they do privately prescribe*: as if the Session of a Court of Justice, and such a one as contain'd a thousand Judges, being the Representative of the whole People, were to be privately prescrib'd. Then to this *private prescribing of Justice*, he adds, that they do *publickly promulge* (εἰσαγγελίας) Citations upon Crimes not within the written Law; as if private Prescription and public Promulgation could stand together. Next, whereas Promulgation in the very nature of the word signifies an Act before a Law made, he presumes the Law to be first made by the Rulers, and then promulgated by the *Thesmothetæ* to the People, kim kam to the experience of all Common-wealths, the nature of Promulgation, and the sense of his Author, whose words, as I shew'd before, declare it to have been the *proper or peculiar office of the Thesmothetæ to give the People notice when they were to assemble for Judicature, or when for giving their Chirotonia or Suffrage, by Promulgation of the Cause* (εἰ, τὰ δῆμον) upon which they were to determine.

FOR the third Passage, the Doctor quoting a wrong place for these words, χειροτονήσασθαι δι νομοθέται, that the *Nomothetæ* (being a Representative, as I shew'd, of the whole People, chosen by Lot, and in number one thousand) *chirotoniz'd, or gave the Legislative Suffrage*; thence infers, that the *Rulers chirotoniz'd, voted or made Laws by themselves without the People*: which is as if one should say, that the Prerogative Tribe in *Rome*, or the House of Commons in *England*, gave their Vote to such or such a Law, therefore it was made by the Rulers alone, and not by the People of *Rome* or of *England*.

FOR the fourth Passage, STEPHANUS quotes DEMOSTHENES at large in these words, οὕτως βεβλήσθαι, οὕτως δὴμα χειροτονήσαντος αὐτόν. This the Doctor interprets of an Officer; to which I shall say more, when he shews me where the Sentence is, or what went before: for as yet I do not know of an Officer in any Common-wealth, whose Election was indifferently made, either by the Senate or by the People; nor do I think the Doctor has look'd further for this than STEPHENS, who has not interpreted it.

THE fifth Passage is, *That a Decree of the Senate in Athens had the force of a Law for one year, without the People*. So had the Edicts of the Prætors in *Rome*: but I would fain know, whence the Senate in *Athens*, or the Prætors in *Rome*, originally deriv'd this Right (which was no more than that such Laws might be Probationers, and so better understood when they came to the vote) but from the *Chirotonia*, or Suffrage of the People.

THE sixth Passage stops the mouths of such as having nothing to say to the matter of my writing, pick quarrels with the manner or freedom of it, the Liberty I take in the defence of Truth; seeing the Doctor takes a greater liberty upon other terms, while he bids his Antagonist (one that defended the Cause now in my hand) *go and consult his Authors*, namely, STEPHENS and BUDÆUS again: for, says he, *you wrong those learned Men, while you would have us believe that they were as ignorant of the Greek Story as your self, or that things are to be found in them which are not*. To which Confidence I have better leave

leave to say, that the Doctor should do well to take no worse Council Chap. 12.
than he gives.

BUT what is become of my Prevaricator? I have quite lost him, else I should have intreated him to compare his Notes out of my Sermon, with these out of the Doctor's; or retract that same affectation, in saying, *I know not how, but Mr. HARRINGTON has conceiv'd a great unkindness for the Clergy.* As if these their Stratagems, with which they make perpetual War against the unwary People, did not concern a man that has undertaken the cause of Popular Government.

THE Policy of the *Achæans* consisted of divers Common-wealths under one, which was thus administer'd. The Cities sent their Deputies twice every year of course, and oftner if they were summon'd by their *Strategus*, or their *Demiurges*, to the place appointed. The *Strategus* was the Supreme Magistrate both Military and Civil, and the *Demiurges* being ten, were his Council, all Annual Magistrates elected by the People. This Council thus constituted, was call'd the *Synarchy*, and perform'd like Duties, in relation to the Senate, consisting of the Deputies sent by their peculiar Sovereignities or Cities, as the *Prytans* to that in *Athens*. The Policies of the *Ætolians* and *Lycians* are so near the same again, that in one you have all. So both the Senates and the Magistracy of these Common-wealths were upon Rotation. To conclude with *Venice*.

THE Common-wealth of *Venice* consists of four parts; the Great Council, the Senate, the College, and the Signory.

THE Great Council is the aggregate Body of the whole People, or Citizens of *Venice*, which, for the paucity of their number, and the Antiquity of their Extraction, are call'd *Gentlemen*, or *Noble Venetians*. Every one of them at five and twenty years of age has right of Session and Suffrage in this Council; which right of Suffrage, because throughout this Common-wealth, in all Debates and Elections, it is given by the Ballot, is call'd *the right of Balloting*, whereby this Council being the Sovereign Power, creates all the rest of the Orders, Councils or Magistracies; and has constitutively the ultimate Result, both in cases of Judicature, and the Constitution of Laws.

THE Senate, call'd also the *Pregati*, consists of sixty Senators properly so stil'd, whereof the great Council elects six on a day, beginning so long before the month of *October*, that these being all chosen by that time, then receive their Magistracy: it consists also of sixty more, call'd the *Junta*, which are elected by the Scrutiny of the Old Senate, that is, by the Senate proposing, and the Great Council resolving; the rest of their Creation is after the same manner with the former. In the Sixty of the Senate, there cannot be above three of any one Kindred or Family, nor in the *Junta* so many, unless there be fewer in the former. These Magistracies are all annual, but without interval, so that it is at the pleasure of the Great Council, whether a Senator having finish'd his year, they will elect him again.

THE College is a Council consisting more especially of three Orders of Magistrates, call'd in their Language *Savi*; as the *Savi grandi*, to whose cognizance or care belong the whole affairs of Sea and Land; the *Savi di Terra ferma*, to whose care and cognizance belong the affairs of the Land; and the *Savi di Mare*, to whose cognizance ap-

Epitome of the
Common-
wealth of Ve-
nice.

The Senate.

The College.

pertain

Book I. { pertain the affairs of the Sea, and of the Islands. These are elected by the Senate, not all at once; but for the *Savi grandi*, who are six, by three at a time, with the interposition of three months; and for the *Savi di Terra ferma*, and the *Savi di Mare*, who are each five, after the same manner, save only that the first Election consists of three, and the second of two. Each Order of the *Savi* elects weekly one Provost, each of which Provosts has Right in any affair belonging to the cognizance of his Order, to propose to the College. Audience of Embassadors, and matters of foreign Negotiation, belong properly to this Council.

The Signory.

THE Signory consists of the Duke and of his Counsellors. The Duke is a Magistrate created by the Great Council for life, to whom the Common-wealth acknowledges the Reverence due to a Prince, and all her Acts run in his name; tho' without the Counsellors he has no Power at all, while they can perform any Function of the Signory without him. The Counsellors, whose Magistracy is annual, are elected by the Scrutiny of the Senate, naming one out of each Tribe (for the City is locally divided into six Tribes) and the Great Council approving; so the Counsellors are six, whose Function in part is of the nature of Masters of Requests, having withal power to grant certain Privileges: but their greatest pre-eminence is, that all or any one of them may propose to any Council in the Common-wealth.

Certain Rights
of the Councils.

THE Signory has Session and Suffrage in the College, the College has Session and Suffrage in the Senate, and the Senate has Session and Suffrage in the Great Council. The Signory, or the Provosts of the *Savi*, have power to assemble the College, the College has power to assemble the Senate, and the Senate has power to assemble the Great Council; the *Signiori*, but more peculiarly the Provosts of the *Savi* in their own Offices and Functions, have power to propose to the College, the College has power to propose to the Senate, and the Senate has power to propose to the Great Council. Whatever is thus propos'd and resolv'd, either by the Senate (for sometimes, thro' the security of this Order, a Proposition goes no further) or by the Great Council, is ratify'd, or becomes the Law of the Common-wealth. Over and above these Orders, they have three Judicatories, two Civil and one Criminal, in each of which forty Gentlemen elected by the Great Council are Judges for the term of eight months; to these Judicatories belong the *Avogadori* and the *Auditori*, who are Magistrates, having power to hear causes apart, and, as they judge fitting, to introduce them into the Courts.

IF a man tells me, that I omit many things, he may perceive I write an Epitome, in which no more should be comprehended, than that which understood may make a man understand the rest. But of these principal parts consists the whole body of admirable *Venice*.

THE *Consiglio de' Dieci*, or Council of Ten, being that which partakes of Dictatorial Power, is not a limb of her but as it were a Sword in her hand. This Council (in which the Signory has also Session and Suffrage) consists more peculiarly of ten annual Magistrates, created by the Great Council, who afterwards elect three of their own number by Lot, which so elected are call'd *Capi de' Dieci*, their Magistracy being monthly: Again, out of the three *Capi*, one is taken by Lot, whose Magistracy is weekly: this is he, who over against the Tribunal in the Great Council sits like another Duke, and is call'd the Provost

Provost of the *Dieci*. It belongs to these three Magistrates to assemble the Council of Ten, which they are oblig'd to do weekly of course, and oftner as they see occasion. The Council being assembl'd, any one of the Signory, or two of the *Capi* may propose to it: the power which they now exercise (and wherein for their assistance they create three Magistrates call'd the *Grand Inquisitors*) consists in the punishment of certain heinous Crimes, especially that of Treason; in relation whereto they are as it were Sentinels, standing upon the guard of the Common-wealth: But constitutively (with the addition of a *Junta*, consisting of other fifteen, together with some of the chief Magistrates having Right in cases of important speed or secrecy to this Council) they have the full and absolute Power of the whole Common-wealth as Dictator. Chap. 12.

THAT *Venice* either transcrib'd the whole and every part of her Constitution out of *Athens* and *Lacedemon*, or happens to be fram'd as if she had so done, is most apparent. The result of this Commonwealth is in the Great Council, and the Debate in the Senate: so was it in *Lacedemon*. A Decree made by the Senate of *Athens* had the power of a Law for one year without the People, at the end whereof the People might revoke it: A Decree of the Senate of *Venice* stands good without the Great Council, unless these see reason to revoke it. The *Prytans* were a Council preparing business for the Senate; so is the *Collegio* in *Venice*: the Presidents of the *Prytans* were the ten *Proedri*; those of the *Collegio* are the three Provosts of the *Savi*. The Archons or Princes of *Athens* being nine, had a kind of Sovereign Inspection upon all the Orders of the Common-wealths; so has the Signiory of *Venice*, consisting of nine besides the Duke. The Quarancies in *Venice* are Judicatories of the nature of the *Helicea* in *Athens*: and as the *Thesmothetæ* heard and introduc'd the causes into that Judicatory, so do the *Avogadori* and the *Auditori* into these. The *Consiglio de' Dieci* in *Venice* is not of the Body, but an Appendix of the Common-wealth; so was the Court of the *Ephori* in *Lacedemon*: and as these had power to put a King, a Magistrate, or any Delinquent of what degree soever to death, so has the *Consiglio de' Dieci*. This again is wrought up with the *Capi de' Dieci*, and the weekly Provost, as were the *Prytans* with the *Proedri*, and the weekly *Epistata*; and the Ballot is lineally descended from the Bean: yet is *Venice* in the whole, and in every part, a far more exquisite Policy than either *Athens* or *Lacedemon*.

A POLITICAL is like a natural Body. Common-wealths resemble and differ, as Men resemble and differ; among whom you shall not see two Faces, or two Dispositions, that are alike. PETER and THOMAS in all their parts are equally Men, and yet PETER and THOMAS of all Men may be the most unlike; one may have his greater strength in his Arms, the other in his Legs; one his greater Beauty in his Soul, the other in his Body; one may be a fool, the other wise; one valiant, the other cowardly. These two, which at a distance you will not know one from the other, when you look nearer, or come to be better acquainted with, you will never mistake. Our Considerer (who in his Epistle would make you believe that *Oceana* is but a mere Transcription out of *Venice*) has Companions like himself; and how near they look into matters of this nature is plain, while one knows not JETHRO from MOSES, and the other

Book I. other takes a state of Civil War to be the best model of a Civil Government.

LET a Man look near, and he shall not find any one Order in *Oceana* (the Ballot only excepted) that has not as much difference from, or resemblance to any one Order in *Rome* or *Venice*, as any one Order in *Rome* or *Venice* has from, or to any one Order in *Athens* or *Lacedemon*: Which different temper of the parts must of necessity in the whole yield a Result, a Soul or Genius, altogether new in the World, as imbracing both the Arms of *Rome*, and the Counsils of *Venice*; and yet neither obnoxious to the Turbulency of the one, nor the narrowness of the other.

BUT the sum of what has been said of *Venice*, as to the business in hand, comes to no more than that the Senate and the Magistracy of this Common-wealth are upon Rotation. No more: nay I am well if it comes to so much. For the Prevaricator catching me up, where I say, that for all this the greater Magistracies in *Venice* are continually wheel'd thro' a few hands, tells me, that *I have confest it to be otherwise*. I have indeed confest, that tho' the Magistracies are all confer'd for certain terms, yet those terms do not necessitate Vacations; that is, the term of a Magistracy being expir'd, the Party that bore it is capable upon a new Election of baring it again without interval or vacation: which does not altogether frustrate the Rotation of the Commonwealth, tho' it renders the same very imperfect. This infirmity of *Venice* derives from a complication of Causes, none of which is incident to a Common-wealth consisting of the Many: wherefore there lies no obligation upon me to discover the reason in this place. But on the contrary, seeing, let me shew things never so new, they are flighted as old, I have an obligation in this place, to try whether I may get esteem by concealing something. What is said, every body knew before; this is not said, who knows it?

A Riddle.

“ RIDDLE me, Riddle me, what is this? The Magistracies in *Venice* (except such as are rather of Ornament than of Power) are all annual, or at most biennial. No man whose term is expir'd, can hold his Magistracy longer, but by a new Election. The Elections are most of them made in the great Council, and all by the Ballot, which is the most equal and impartial way of Suffrage, And yet the greater Magistracies are perpetually wheel'd thro' a few hands.”

IF I be worthy to give advice to a man that would study the Politicks, let him understand *Venice*; he that understands *Venice* right, shall go nearest to judge (notwithstanding the difference that is in every Policy) right of any Government in the World. Now the assault of the Considerer deriving but from some Pique or Emulation which of us should be the abler Politician, if the Council of State had the curiosity to know either that, or who understands *Venice*, this Riddle would make the discovery; for he that cannot easily unfold this Riddle, does not understand her.

THE sixth kind of Rotation is when a Common-wealth goes upon it in all her Orders, Senate, People, and Magistracy. Such a one taking in the Many, and being fix'd upon the foot of a steady Agrarian, has attain'd to perfect Equality. But of this an example there is none, or you must accept of *Oceana*.

THE

THE Rotation of *Oceana* is of two parts, the one of the Electors Chap. 12. which is annual, and the other of the Elected which is triennial.

SPEAKING of Electors in this sense, I mean as the great Council in *Venice* are Electors of all other Orders, Councils or Magistrates. But the Common-wealth of *Oceana* taking in the whole People, cannot, as does the Great Council of *Venice* (wherein they that have right are but a few) attain to this capacity at one step: for which cause she takes three steps; one at the Parishes, where every fifth Elder is annually elected by the whole People. There is no doubt but there was some such Order in *Israel* whereby the monthly Rotation of her Congregation or Prerogative, by election of two thousand in each Tribe, was preserv'd. The next step she takes is at the Hundred, whereby election of Officers and Magistrates, the Troops chosen at the Parishes, are very near form'd. Her third step is at the Tribe, where the whole body of her Deputies are in exact Form, Discipline and Function, headed by proper Officers and Magistrates, these altogether consisting of one fifth part of the whole People. This Rotation being in it self annual, comes in regard of the body of the People to be quinquennial, or such as in the space of five years gives every man his turn in the power of Election.

BUT tho' every man be so capable of being an Elector, that he must have his turn; yet every man is not so capable of being elected into those Magistracies that are Sovereign, or have the leading of the whole Common-wealth, that it can be safe to lay a necessity that every man must take his turn in these also: but it is enough that every man, who in the Judgment and Conscience of his Country is fit, may take his turn. Wherefore upon the Conscience of the Electors, so constituted as has been shewn, it goes to determine who shall partake of Sovereign Magistracy, or be at the Assembly of a Tribe elected into the Senate or Prerogative; which Assemblies are so triennial, that one third part of each falling every year, and another being elected, the Parliament is thereby perpetuated.

SUCH was the Constitution of those Councils which the Prevaricator has confest he always thought admirable, but now the toy makes him to be quite of another mind; for, says he, *That antient Republics have thro' a malicious Jealousy* (let them take it among them) *made it unlawful even for Persons of the clearest merit to continue long in command, but have by perpetual vicissitude substituted new men in the Government, is manifest enough; but with what success they did this, will best appear by VETURIUS, VARRO, and MANCINUS.* He is still admirable: One would wonder what he means; if it be that there were but three weak or unfortunate Generals in the whole course of *Rome*, how strange is it to urge this as an Argument against Rotation, which is as strong a one as can be urg'd for Rotation? If the *Romans* by this way of Election having experience of an able General, knew ever after where to have him; or lighting upon one they found not so fit for their purpose, could in the compass of one year be rid of him of course, without dishonour or reproach to him, taking thereby a warning to come no more there; was this a proceeding to favour malice? or such an one as, removing the cause of malice, left no root for such a branch or possibility of like effect? Certainly by this assertion the Prevaricator has jolted his presumptuous Head not only against the prudence of antient Common-wealths, but of God himself in that of *Israel*.

Rotation of
Oceana.

Confid. p. 90.

Book I. *Israel.* VETURIUS, VARRO, and MANCINUS (tho' some of them cannot be at all points excus'd) by this mark upon them, may be thought hardlier of than is needful; for which cause there being that also in their Stories which is neither unpleasant nor unprofitable, I shall endeavour to make the Reader somewhat better acquainted with them. One of the greatest blows *Rome* ever receiv'd was by PONTIUS, Captain General of the *Samnites*, who having drawn her Consuls, POSTHUMIUS and VETURIUS, by Stratagem into the Straits of *Caudium*, a Valley of narrow entrance, and shut up the mouth of it by possessing himself of the only Passage, the rest being environ'd with insuperable Rocks, the *Samnit* came to have both the Armies, and so upon the matter the whole strength (in those days) of *Rome* inevitably at his discretion. Hereupon, having leisure, and being desirous (in a matter of such moment) of good advice, he dispatch'd a Messenger to his Father HERENNIUS, the ablest Counsellor in *Samnium*, to know what might be his best course with the *Romans* now unavoidably at his mercy, who answer'd, *that he should open the Pass, and let them return untouch'd.* The young General amaz'd at this Counsel, desir'd farther direction; whereupon HERENNIUS for the second time made answer, *that he should cut them off to a man.* But the General, upon the strange disagreement of such opinions, having his Father's Age (for he was very old) in suspicion, took a third course, which *neither* (according to the first advice of wise HERENNIUS) *making Friends, nor*, according to the second, *destroying Enemies*, became as he prophesy'd the utter Ruin of the Common-wealth of *Samnium*. For the *Romans* being dismiss'd safe, but ignominiously, the Senate upon their return fell into the greatest strait and consternation that had been known among them. On the one side, to live and not revenge such an affront was intolerable; on the other, to revenge it was against the Faith of the Consuls, whose necessity (the loss of two Armies lying upon it) had in truth forc'd them to accept of a dishonourable League with the *Samnites*. Now not the Armies, but the Senate it self was in *Caudium*, not a man of them could find the way out of this Vale environ'd with Rocks, but he only that could not find it out of the other; POSTHUMIUS, who having first shew'd, that neither War nor Peace could be so made, as to engage the Common-wealth (*injussu Populi*) without the Command of the People, declar'd that the Senate returning the Consuls, with such others as had consented to so wicked and dishonourable a Peace, naked, and bound to the *Samnites*, were free: nor ceas'd he till the Senate (thereto prest by the necessity of the Common-wealth) resolving accordingly, He, VETURIUS, and some of the Tribunes were deliver'd to the *Samnites*; who, nevertheless, to hold the *Romans* to their League, dismiss'd them with safety. The Disputes on either side that arose hereupon, and, coming to Arms, ended with the destruction of *Samnium*, I omit. That which as to the present occasion is material, is the Reputation of the Consuls; and VETURIUS, tho' he were not the leading man, being for the rest as deep in the Action as POSTHUMIUS, the People were so far from thinking themselves deceiv'd in this choice, that the Consuls were more honour'd in *Rome* for having lost, than PONTIUS in *Samnium* for having won the day at *Caudium*.

I DO not rob Graves, nor steal Winding-sheets; my Controversies are not but with the Living, with none of these that have not shew'd themselves best able for their own defence; nor yet with such but in the prosecution of Truths oppos'd by them to the damage of Mankind: yet the Prevaricator accuses me of rude charges. What are his then in defence of Falshood, and against such as cannot bite? or whether of these is the more noble? Chap. 12.

FOR VARRO, who being Consul of Rome, lost the battle of Cannæ to HANNIBAL, Captain General for the Carthaginians, tho' without Cowardice, yet by Rashness, he is not so excusable.

BUT for MANCINUS, brought (as was POSTHUMIUS by the Samnites) to dishonourable conditions by MEGERA, Captain General of the Numantines, there be excuses: As first, the Numantines, for their number not exceeding four thousand fighting men, were the gallantest of so many, on which the Sun ever shone. Florus, l. 2. c. 18.

FOURTEEN years had their Common-wealth held tack with the Romans, in Courage, Conduct, and Virtue, having worsted POMPEY the Great, and made a League with him, when she might have made an end of him, e're ever MANCINUS (of whom CICERO gives a fair Character) came in play: So his Misfortunes, having great examples, cannot want some excuse. But suppose none of them deserv'd any excuse, what is it at which these examples drive? against a Common-wealth? Sure the Samnites, the Carthaginians, the Numantines were as well Common-wealths as the Romans; and so wherever the advantage goes, it must stay upon a Common-wealth: or if it be Rotation that he would be at (for we must guess) granting PONTIUS the Samnite, and MEGERA, the Numantine, to have been no more upon Rotation, than HANNIBAL the Carthaginian; yet is it plain that Rome upon her Rotation overcame not only PONTIUS, HANNIBAL and MEGERA, but Samnium, Carthage, and Numantia. So much for Rome; but, says he, *No less appears by the Rabble of Generals often made use of by the Athenians, while men of Valour and Conduct have lain by the walls.* Confid. p. 91.

A RABBLE of Generals did I never hear of before; but not to meddle with his Rhetoric, whereas each of his Objections has at least some one Contradiction in it, this has two (one *à priori*, another *à posteriori*) one in the snout, another in the tail of it. For had there been formerly no Rotation in Athens, how should there have been men of Valour and Conduct to lie by the Walls? And if Rotation thenceforth should have ceas'd, how could those men of Valour and Conduct have done otherwise than lie by the Walls? So this inavoidably confesses, that Rotation was the means whereby Athens came to be stor'd with Persons of Valour and Conduct, they to be capable of Employment, and the Common-wealth to employ the whole Virtue of her Citizens: And it being, in his own words, an *Argument of much imperfection in a Government not to dare to employ the whole Virtue of the Citizens*, this wholly routs a standing General; for the Government that dares employ but the Virtue of one, dares not employ the Virtue of all. Yet he jogs on.

THOSE Orders must needs be against Nature, which, excluding Persons of the best Qualifications, give admission to others, who have nothing to commend them but their Art in canvassing for the suffrage of the People. He never takes notice that the Ballot bars Canvassing beyond all possi- Confid. p. 91.

Book. I. bility of any such thing; but we will let that go. Canvassing, it is confest, was more frequent in *Rome* and *Athens* than is laudable, where nevertheless it is the stronger Argument for the integrity of popular Suffrage, which, being freed from any aid of Art, produc'd in those Common-wealths more illustrious examples (if a man goes no further than *PLUTARCH'S* Lives) than are to be found in all the rest of Story.

Confid. p. 91. *Y E T*, says he, *this Law has been as often broken as a Common-wealth has been brought into any exigence; for the hazard of trusting Affairs in weak hands then appearing, no scruple has been made to trample upon this Order, for giving the Power to some able man at that time render'd incapable by the Vacation this Law requires. The continuation of the Consulship of MARIUS is sufficient to be alledg'd for the proof of this, tho', if occasion were, it might be back'd by plenty of examples.* His choice confutes his pretended variety, who jests with edg'd tools: this example above all will cut his fingers; for by this prolongation of Magistracy, or, to speak more properly, of Empire (for the Magistracy of the Consul was Civil, and confer'd by the People *Centuriatis Comitiis*, but his Empire was Military, and confer'd *Curiatis*) *Rome* began to drive those wheels of her Rotation heavily in *MARIUS*, which were quite taken off in *CÆSAR*.

I HAVE heretofore in vain perswaded them upon this occasion, to take notice of a Chapter in *MACHIAVEL*, so worthy of regard, that I have now inserted it at length, as follows:

Mach. Discor.
B. 3. c. 24.

“ THE Proceedings of the *Roman* Common-wealth being well consider'd, two things will be found to have been the causes of her dissolution. The Contention that happen'd thro' the endeavour of the People (always oppos'd or eluded by the Nobility) to introduce an Agrarian, and the damage that accru'd from the prolongation of Empire; which mischiefs, had they been foreseen in due time, the Government by application of fit Remedies might have been of longer life and better health. The Diseases which this Common-wealth, from contention about the Agrarian, contracted, were acute and tumultuous; but those being slower, and without tumult, which she got by prolongation of Empire, were Chronical, and went home with her, giving a warning by her example, how dangerous it is to States that would enjoy their Liberty, to suffer Magistracy (how deservedly soever confer'd) to remain long in the possession of the same man. Certainly if the rest of the *Romans*, whose Empire happen'd to be prolong'd, had been as virtuous and provident as *LUCIUS QUINTIUS*, they had never run into this inconvenience. Of such wholesome example was the goodness of this man, that the Senate and the People, after one of their ordinary Disputes, being come to some accord, whereas the People had prolong'd the Magistracy of their present Tribunes, in regard they were Persons more fitly oppos'd to the Ambition of the Nobility, than by a new Election they could readily have found; when hereupon the Senate (to shew they needed not be worse at this game) would have prolong'd the Consulate to *QUINTIUS*, he refus'd his consent, saying that ill examples were to be corrected by good ones, and not encourag'd by others like themselves; nor could they stir his Resolution, by which means they were necessitated to make new Consuls. Had this Wisdom and Virtue, I say, been duly regarded, or rightly understood, it might

“ might have sav’d *Rome*, which thro’ this neglect came to ruin. The Chap. 12.
 “ first whose Empire happen’d to be prolong’d was PUBLILIUS PHILO, Liv. 1. 8.
 “ his Consulate expiring at the Camp before *Palæpolis*, while it seem-
 “ ed to the Senate that he had the Victory in his hand (*actum cum*
 “ *Tribunis Plebis est, ad Populum ferrent ut cum Philo Consulatu*
 “ *abisset, Proconsul rem gereret*) they sent him no Successor, but pro-
 “ long’d his Empire, by which means he came to be the first Pro-
 “ consul. An Expedient (tho’ introduc’d for the public good) that
 “ came in time to be the public bane: For by how much the *Roman*
 “ Armies march’d further off, by so much the like course seeming to
 “ be the more necessary, became the more customary; whence en-
 “ su’d two pernicious consequences: The one, that there being fewer
 “ Generals, and Men of known Ability for Conduct, the Art with
 “ the reputation of the same came to be more ingross, and obnoxious
 “ to Ambition: the other, that a General standing long, got such
 “ hold upon his Army, as could take them off from the Senate, and
 “ hang them on himself. Thus MARIUS and SYLLA could be fol-
 “ low’d by the Soldiery to the detriment of the Common-wealth, and
 “ CÆSAR to her perdition. Whereas had *Rome* never prolong’d Em-
 “ pire, she might perhaps not so soon have arriv’d at Greatness or Ac-
 “ quisition, but would have made less haste to destruction.

ALL the *Dilemma* that MACHIAVEL observes in these words is,
 that if a Common-wealth will not be so slow in her acquisition as is
 requir’d by Rotation, she will be less sure than is requisite to her pre-
 servation. But the Prevaricator (not vouchsafing to shew us upon
 what reasons or experience he grounds his Maxim) is positive, *That* Confid. p. 92.
the Dilemma into which a Common-wealth is in this case brought, is very
dangerous; for either she must give her self a mortal blow by gaining the
habit of infringing such Orders as are necessary for her preservation, or
receive one from without.

THIS same is another *Parakeetism*: these words are spoken by
 me, after MACHIAVEL, in relation to Dictatorian Power, in which
 they are so far from concluding against Rotation, that this in case of a
 Dictator is more especially necessary (*maxima libertatis custodia est,* Mamercus a-
ut magna imperia diuturna non sint, & temporis modus imponatur, qui- pud Liv. 1. 4.
bus juris imponi non potest) which could not be more confirm’d than
 by him, who in the example of MARIUS shews that the contrary
 course spoil’d all.

THE *Romans*, if they had sent a Successor to PUBLILIUS PHILO
 at *Palæpolis*, it may be might have let the Victory slip out of his
 hands, it may be not; however this had been no greater wound to the
 Common-wealth, than that her Acquisition would have been slower,
 which ought not to come in competition with the safety of a Govern-
 ment, and therefore amounts not to a *Dilemma*, this being a kind of
 Argument that should not be stub’d of one horn, but have each of
 equal length and danger. Nor is it so certain that increase is slower
 for Rotation, seeing neither was this interrupted by that, nor that by
 this, as the greatest Actions of *Rome*, the Conquest of *Carthage* by
 SCIPIO AFRICANUS, of *Macedon* by FLAMINIUS, and of *Antio-*
chus by ASIATICUS, are irrefragable Testimonies.

I WOULD be loth to spoil the Considerer’s preferment; but he
 is not a safe Counsellor for a Prince, whose Providence not supplying
 the defect of Rotation, whether in civil or military affairs, with some-
 thing

Book. I. thing of like nature, exposes himself if not his Empire as much to danger as a Common-wealth. Thus the Sons of *Zerviah*, *Joab* Captain of the Host, and *Abishai* his Brother, were too strong for *David*; thus the Kings of *Israel* and of *Juda* fell most of them by their Captains or Favourites, as I have elsewhere observ'd more particularly. Thus *Brutus* being standing Captain of the Guards, could cast out *Tarquin*; thus *Sejanus* had means to attempt against *Tiberius*; *Otho* to be the Rival of *Galba*, *Casperi* *Ælianus* of *Nerva*, *Cassius* of *Antoninus*, *Perennis* of *Commodus*, *Maximinus* of *Alexander*, *Philippus* of *Gordian*, *Æmilianus* of *Gallus*; *Ingebus* *Lollianus*, *Aureolus*, of *Galienus*; *Magnesius* of *Constantius*, *Maximus* of *Gratian*, *Arbogastes* of *Valentinian*, *Ruffinus* of *Arcadius*, *Stilico* of *Honorius*. Go from the West into the East: upon the death of *Marcianus*, *Asparis* alone, having the command of the Arms, could prefer *Leo* to the Empire; *Phocas* deprive *Mauritius* of the same; *Heraclius* depose *Phocas*; *Leo Isaurius* do as much to *Theodosius Adramittenus*; *Nicephorus* to *Irene*, *Leo Armenius* to *Michael Curopalates*, *Romanus Lagapenus* to *Constantine*, *Nicephorus Phocas* to *Romanus Puer*, *Johannes Zismisces* to *Nicephorus Phocas*, *Isaac Comnenus* to *Michael Stratioticus*, *Botoniates* to *Michael the Son of Ducas*, *Alexius Comnenus* to *Botoniates*: which work continu'd in such manner till the destruction of that Empire. Go from the East to the North: *Gustavus* attain'd to the Kingdom of *Sweden*, by his Power and Command of an Army; and thus *Secchus* came near to supplant *Boleslaus* the Third of *Poland*. If *Wallestein* had liv'd, what had become of his Master? In *France* the Race of *Pharamond* was extinguish'd by *Pipin*; and that of *Pipin* in like manner, each by the Major of the Palace, a standing Magistracy of exorbitant Trust. Go to the *Indies*: You shall find a King of *Pegu* to have been thrust out of the Realm of *Tangu* by his Captain General. Nay go where you will, tho' this be pretty well, you shall add more than one example. But as to the Prevaricator, if he was not given to make such mouths, as eat up nothing else but his own words, I needed not have brought any other Testimony to absolve a Common-wealth of Malice in this order than his own, where he says, *that when some Person over-tops the rest in Commands, it is a Disease of Monarchy which easily admits of this cure, that he be reduc'd to a less Volume, and level'd to an equality with the rest of his Order*. Now a Prince can no otherwise level a Nobleman, that excels the rest thro' Command, to equality with his Order, than by causing those of the same Order to take their turns in like command. *Good Wits have ill Memories*. But, says he, *I know not what advantage Mr. HARRINGTON may foresee from the Orders of this Rotation, for my part I can discover no other effect of it than this, that in a Common-wealth like that of Oceana, taking in the Many (for in Venice he confesses it to be otherwise) where every man will press forward towards Magistracy, this Law by taking off at the end of one year some Officers, and all at the end of three, will keep the Republic in a perpetual Minority: No man having time allow'd him to gain that Experience, which may serve to lead the Common-wealth to the understanding of her true Interest either at home or abroad*.

Confid. p. 47.

48.

Confid. p. 93.

WHAT

WHAT I have confest to be otherwise in *Venice*, I have shewn Chap. 12. already at least so far as concerns the present occasion, the causes of that defect being incompatible with a Common-wealth consisting of the Many; otherwise why was not the like found in *Athens* or *Rome*? where tho' every man prest forward towards Magistracy, yet the Magistrates were, for illustrious examples, more in weight and number than are to be found in all the rest of the world.

IF where Elections were the most expos'd to the Ambition of the Competitor, and the humours of the People, they yet fail'd not to excel all others that were not popular, what greater Vindication can there be of the natural integrity of popular Suffrage even at the worst? But this, where it is given by the Ballot, is at the best, and free from all that pressing for Magistracy in the Competitor, or Faction of the People that can any ways be laid to the former: or let the Considerer consider again, and tell me by what means either of these in such a State can be dangerous or troublesome; or if at worst the Orders for Election in *Oceana* must not perform that part, better than a Crowd and a Sheriff. Well; but putting the case the Elections which were not quarrel'd much withal be rightly stated, yet this Law for Terms and Vacations, by taking off at the end of one year some Officers, and all at the end of three, will keep the Republic in perpetual Minority no man having time allow'd him to gain that Experience, which may serve to lead the Common-wealth to the understanding of her true Interest at home or abroad. Because every man will prest forward for Magistracy, therefore there ought not to be Terms and Vacations, lest these should keep the Common-wealth in perpetual Minority. I would once see an Argument that might be reduc'd to Mode and Figure. The next objection is, that these Orders take off at the end of one year some Officers, which is true, and that at the end of three years they take off all, which is false; for whereas the Leaders of the Common-wealth are all triennial, the Orders every year take off no more than such only as have finish'd their three years term, which is not all, but a third part. Wherefore let him speak out; three years is too short a term for acquiring that knowledge which is necessary to the leading of a Common-wealth. To let the courses of *Israel* which were monthly, and the annual Magistracies of *Athens* and *Rome* go; if three years be too short a term for this purpose, what was three months? A Parliament in the late Government was rarely longer liv'd than three months, nor more frequent than once in a year; so that a man having been twelve years a Parliament-man in *England*, could not have born his Magistracy above three years, tho' he were not necessarily subject to any Vacation. Whereas a Parliament in *Oceana* may in twelve years have born his Magistracy six, notwithstanding the necessity of his Vacations. Now which of these two are most straiten'd in the time necessary to the gaining of due experience or knowledge for the leading of a Common-wealth? Nevertheless the Parliament of *England* was seldom or never without men of sufficient Skill and Ability; tho' the Orders there were more in number, less in method, not written, and of greater difficulty than they be in *Oceana*. There, if not the Parliament-man, the Parliament it self was upon Terms and Vacations, which to a Council of such a nature is the most dangerous thing in the world, seeing Dissolution, whether to a Body natural or political, is Death. For if Parliament happen'd to rise again and again, this was

Book I. not so much coming to themselves (seeing a Council of so different Genius had not been known) as a new Birth; and a Council that is every year new born indeed must keep a Common-wealth in perpetual Minority, or rather Infancy, always in danger of being overlaid by her Nurse, or strangl'd by her Guardian: whereas an Assembly continu'd by Succession, or due Rotation regulated by Terms, giving sufficient time for digestion, grows up, and is like a man, who tho' he changes his Flesh, neither changes his Body nor his Soul. Thus the Senate of *Venice* changing Flesh, tho' not so often as in a Common-wealth consisting of the Many were requisite, yet ofteneft of any other in the world, is, both in Body and Soul, or Genius, the most unchangeable Council under Heaven. Flesh must be chang'd, or it will stink of it self; there is a Term necessary to make a man able to lead the Common-wealth to her Interest, and there is a Term that may inable a man to lead the Common-wealth to his Interest. In this regard it is, that, according to MAMERCUS, the Vacations are (*maxima libertatis custodia*) the Keepers of the Liberties of *Oceana*.

THE three Regions into which each of the leading Councils is divided, are three Forms, as I may say, in the School of State: for them of the third, tho' there be care in the choice, it is no such great matter what be their Skill; the Ballot which they practis'd in the Tribe being that in the performance whereof no man can be out: and this is all that is necessary to their Novitiate or first year, during which time they may be Auditors. By the second, they will have seen all the Scenes, or the whole Rotation of the Orders, so facile, and so intelligible, that at one reading a man understands them as a Book, but at once acting as a Play; and so methodical, that he will remember them better. Tell me then what it is that can hinder him for the second year from being a Speaker; or why for the third, should he not be a very able Leader.

THE Senate and the Prerogative, or Representative of the People, being each of like constitution, drop annually four hundred, which in a matter of ten years amount to four thousand experienc'd Leaders, ready upon new Elections to resume their leading.

ANOTHER thing which I would have consider'd is, whether our most eminent men found their Parts in Parliament, or brought them thither. For if they brought them, think you not the military Orders of the Youth, the Discipline of the Tribes, the eight years Orb of the Embassadors, the provincial Armies of *Oceana*, likely to breed men of as good Parts, as to such matters? Nor have Astronomers that familiarity with the Stars, which men without these Orbs will have with such as are in them. He is very dull, who cannot perceive that in a Government of this frame the Education must be universal, or diffus'd throughout the whole Body. Another thing which is as certain as comfortable, is that the pretended depth and difficulty in matters of State is a mere cheat. From the beginning of the World to this day, you never found a Common-wealth where the Leaders having honestly enough, wanted skill enough to lead her to her true Interest at home or abroad: that which is necessary to this end, is not so much skill as Honesty; and let the leaders of *Oceana* be dishonest if they can. In the leading of a Common-wealth aright, this is certain, Wisdom and Honesty are all one: and tho' you shall find defects in their Virtue, those that have had the fewest, have ever been, and for ever shall be, the wisest.

R O M E

ROME was never ruin'd, till her Balance being broken, the No- Chap. 12.
 bility forsaking their antient Virtue, abandon'd themselves to their
 Lufts; and the Senators, who, as in the case of JUGURTHA, were all
 brib'd, turn'd Knaves; at which Turn all their Skill in Government
 (and in this never men had been better skill'd) could not keep the
 Common-wealth from overturning. CICERO, an honest man, la-
 bour'd might and main; POMPONIVS ATTICUS, another, despair'd,
 CATO tore out his own Bowels; the Poigniards of BRUTUS and CAS-
 SIUS neither consider'd Prince nor Father: But the Common-wealth had
 sprung her Planks, and spilt her Ballast; the world could not save her.

FOR the close, the Prevaricator, who had judg'd before, that
there was much reason to expect some of the Clergy (against all of whom Confid. p. 36.
Mr. HARRINGTON has declar'd War) would undertake the Quarrel, p. 94.
 tells me in the last line, that *there be to whom he has recommended the*
Disquisition of the Jewish Common-wealth.

IT is a miserable thing to be condemn'd to the perpetual Budget;
 once turn an honest man to me. In the mean time, that it may be fur-
 ther seen, how much I am delighted in fair play, since some Divines,
 it may be, are already at work with me, and I have not so fully
 explain'd my self upon that Point, which with them is of the greatest
 concernment, that they can yet say, they have peep'd into my hand,
 or seen my game; as I have won this trick, Gentlemen, or speak, so
 I play them out the last Card in the next Book for Up.

*An Advertisement to the Reader, or a Direction contain-
 ed in certain Queries, how the Common-wealth of
 Oceana may be examin'd or answer'd by divers sorts of
 men, without spoiling their high Dance, or cutting off
 any part of their Elegance, or freeness of Expression.*

To the Scholar that has pass'd his Novitiate in Story.

- I. **W**HETHER the Balance of Property in Land coming thro'
 Civil Vicissitude by slow and undiscern'd degrees, to alter
 as it did, and to stand as it does in *Oceana*, any other Government
 could have been introduc'd, otherwise than by the interposition of
 foreign Arms, that could have subsisted naturally without Violence
 or Reluctancy, or steadily without frequent Changes, Alterations,
 and Plunges, except that only of the Common-wealth propos'd?
- II. **W**HETHER the Balance in Land so standing, as has been
 shewn, the Common-wealth propos'd, being once establish'd, *were*
without the immediate hand of God, as by Pestilence, Famine, or In-
undation, to be alter'd or broken; and which way?

To the Godly Man.

- I. **W**HETHER Human Prudence be not a Creature of God,
 and to what end God made this Creature?
- II. **W**HETHER the Common-wealth of *Israel* in her main Or-
 ders, that is to say, the Senate, the People, and the Magistracy, was
 not

not erected by the same Rules of human Prudence with other Common-wealths?

III. WHETHER JETHRO were not a Heathen?

IV. WHETHER God did not approve of the Advice of JETHRO, in the Fabric of the Common-wealth of *Israel*?

V. WHETHER the natural Body of a Godly Man can any otherwise be said to support and nourish it self in the Air, or between Heaven and Earth, than by a figurative Speech? or whether it be any more possible for the Political Body of a People so to do, than for the natural Body of a Godly Man?

To the Grandee, or Learned Common-wealthsman.

I. **W**HETHER a noble House-keeper has a Horse-keeper, that is as well to live as himself; and whether the House-keeper, should he lose his Estate, would not be a Horse-keeper rather than want Bread?

II. WHETHER Riches and Poverty, more or less, do not introduce Command or Obedience, more or less, as well in a public as in a private Estate?

III. WHETHER the Introduction of Command or Obedience, more or less, either in a public or private Estate, does not form or change the Genius of a Man, or of a People accordingly? Or what is the reason why the Peasant in *France* is base, and the lower People in *England* of a high Courage?

IV. WHETHER the Genius of the People of *Oceana* has been of late years, or be devoted or addicted to the Nobility and the Clergy as in former times?

V. WHETHER the Genius of the People of *Oceana*, not being addicted to the Nobility and Clergy as formerly, can be said to be for Monarchy, or against it?

VI. WHETHER the People be not frequently mistaken in Names, while as to Things they mean otherwise; or whether the People of *Oceana* desiring Monarchy in Name, do not in Truth desire a Government of Laws, and not of Men?

VII. WHETHER for these Reasons, not to know how to hold the Balance or Foundation of a Government steady, nor yet to reform, or vary the Orders of the same (as the Foundation comes to vary) be not to deliver a Nation to certain Ruin and Destruction?

To the Rational Man.

I. **W**HETHER there be any thing in this Fabric or Model that is contradictory to it self, to Reason, or to Truth?

II. WHETHER a Common-wealth that is fram'd intire or complete in all her necessary Orders, without any manner of contradiction to her self, to Reason, or to Truth, can yet be false or insufficient?

THE
SECOND BOOK:

OR, A

Political Discourse

CONCERNING

ORDINATION:

Against

Dr. *H. HAMMOND*,

Dr. *L. SEAMAN*,

And the **AUTHORS** they follow.

Optat Aprum aut fulvum descendere monte Leonem:

E. W.

Advertisement to the R E A D E R.

BOOKS, especially whose Authors have got themselves Names, are Leaders; wherefore in case any of these err in Leading, it is not only lawful, but matter of Conscience to a man that perceives it, as far as he is able to warn others, this were Apology enough for my writing against Dr. HAMMOND and Dr. SEAMAN; and yet I have happen'd to be brought under a farther Obligation to this enterprize, their Books having been sent me by way of Objection against what I have formerly said of Ordination, and am daily more and more confirm'd I shall make good. However there can be no great hurt in this Essay, Truth being, like Venison, not only the best Quarry, but the best Game.

Order of the Discourse.

TO manage the present Controversy with the more Clearness, I have divided my Discourse into five Parts or Chapters.

THE First, explaining the Words Chirotonia and Chirothesia, paraphrastically relates the Story of the Perambulation made by the Apostles PAUL and BARNABAS thro the Cities of Lycaonia, Pisidia, &c. by way of Introduction.

THE Second shews those Cities, or most of them, at the time of this Perambulation, to have been under popular Government. In which is contained the whole Administration of a Roman Province.

THE Third shews the Deduction of the Chirotonia from Popular Government, and of the Original Right of Ordination from the Chirotonia. In which is contained the Institution of the Sanhedrim or Senate of Israel by MOSES, and of that at Rome by ROMULUS.

THE Fourth shews the Deduction of the Chirothesia from Monarchical or Aristocratical Government, and the second way of Ordination from the Chirothesia. In which is contain'd the Common-wealth of the Jews as it stood after the Captivity.

THE Fifth debates whether the Chirotonia, us'd in the Cities mention'd, was (as is pretended by Dr. HAMMOND. Dr. SEAMAN, and the Authors they follow) the same with the Chirothesia, or a far different thing. In which are contained the divers kinds of Church-Government introduced and exercis'd in the age of the Apostles.

I AM entring into a Discourse to run much, for the Words, upon a Language not vulgar, which therefore I shall use no otherwise than by way of Parenthesis, not obstructing the Sense; and for the Things, upon Customs that are foreign, which therefore I shall interpret as well as I can. Now so to make my way into the parts of this discourse, that (whereas they who have heretofore manag'd it in *English*, might in regard of their Readers have near as well written it in *Greek*) I may not be above the vulgar capacity, I shall open both the Names whereof, and the Things whereupon we are about to dispute, by way of Introduction.

A



Political Discourse

CONCERNING

ORDINATION.

The INTRODUCTION,

OR

FIRST CHAPTER.

THE Names or Words whereof we are about to dispute are *Greek*, the one *Chirotonia*, the other *Chirothesia*. The first signification of the word *Chirotonia*, in *SUIDAS*, imports a certain lewd action of the hand, which seems also by the *Greek* that renders it by the same word, to have been intimated in *Isa. 5. 9*. In the second signification with *SUIDAS*, it is ἐκλογὴ, πάντων κύρωσις, *Election* (that is to say of Magistrates) or *Ratification* (that is to say of Laws) by the *Many*: which amounts both by his Testimony, and that generally of antient Authors, to this, that the most usual and natural signification of the word *Chirotonia* is *Popular Suffrage*, whether given, as when they speak of *Athens*, by the holding up of hands; or as when they speak (as does *SUIDAS* in the place mention'd) of *Rome*, and other Common-wealths (whose Suffrage was not given with this Ceremony) without holding up of hands.

CHIROTHERESIA (ἐπιθετικὴ χειρῶν) is a word that in the strict signification imports *laying on of hands*, and no more: but the *Jews* using to confer their Ordination most commonly by laying on of hands, and yet sometimes by word of mouth, or by letter, the word both as it relates to the custom of the *Jewish* Common-wealth, and Ordination thence transplanted into the Church of *CHRIST*, signifies Ordination confer'd by one man, or a few men, that is to say, by some distinct Order from the People, whether with imposition of hands, or without it.

THESE words thus interpreted, I shall throughout my discourse (which else must have run altogether upon the *Greek*) presume, as already I have done, to take for good *English*, and so proceed to the things whereof we are to dispute; first, by opening the Scene of this Perambulation, which will be done best by the help of *ERASMUS*, a man as for his Learning not inferior to any, so for his freedom not addicted to Interests or Parties. For the remainder then of this Introduction, I shall begin with the nineteenth Verse of the eleventh, and continue my discourse to the end of the fourteenth Chapter of the *Acts*; interweaving the Text where it is darker with the Paraphrase of that excellent Author, for light, and his Paraphrase with the Text, where it is clearer, for brevity, in manner following.

THEY whom the heat of Persecution from the Death of *STEPHEN* had dispers'd, travel'd thro' the Cities and Villages as far as *Phenice*,

Book II.
Acts 11. 19.

nice, and the adjacent Island of *Cyprus*; as also thro' *Antiochia*, which lies between *Phenice* and *Cilicia*, preaching the Gospel receiv'd from the Apostles, which nevertheless they dar'd not to communicate but to such only as were of the *Jewish* Nation, not out of Envy, but a kind of Superstition, they believing that to do otherwise were to give the Childrens Bread to Dogs, which Christ had forbid.

BUT some of them that believ'd, being of *Cyprus* and *Cyrene*, when they came to *Antioch*, had the boldness to speak of *Christ* to the *Greeks*, preaching the Lord *Jesus*, in which they made such progress thro' the Blessing of God upon them and their Labours, that a great number of these also believing the Gospel, were turn'd to the Lord. The tidings of these things coming to the ears of the Church which was at *Jerusalem*, a man of Apostolical Sincerity, *Barnabas* the *Levite*, a *Cyprian* born, was sent by the Apostles to take a view of what was done upon the places; and if he found it to be according to the will of God, to approve of it, by authority of the Apostles. So great caution in receiving the *Gentils* to the Gospel was not, that the thing was not greatly desir'd by the Apostles; but lest it should afterwards be repeal'd or made void by the *Jews*, as done rashly, or that the *Gentils* should rely less upon what was done, as conceiving it needed ratification by the Law. Wherefore *Barnabas* so soon as he came to *Antioch*, and found the *Greeks* by Faith, and without profession of the Law, to have receiv'd the same Grace of God with the *Jews*, was very much joy'd that the number of Believers increas'd, and exhorted them to remain constant in their Enterprize of adhering to the Lord. For he was a good man, and full of the Holy Spirit, and of Faith. Wherefore thro' his ministry it came to pass, that a multitude of other Believers were added to the former. Now *Antioch* being not far from *Cilicia*, the Neighbourhood of the place invited him to seek *Paul*, the fittest helper in this work, as chosen by *Christ* to preach his Name to the *Gentils* and Kings of the Earth. For when *Paul* fled from *Jerusalem*, the Disciples had conducted him to *Cesarea* of *Phenice*, whence he went to *Tarsus*; whom therefore when *Barnabas* had found there, he brought to *Antioch*, hoping in a City both famous and populous (but with a confus'd mixture of *Jews* and *Greeks*) to receive the better fruit thro' the aid of an Apostle more peculiarly design'd to this work. These two being conversant a whole year in the Church of *Antioch*, which by the confluence both of *Jews* and *Greeks* became very numerous, so many were added by their preaching, that whereas hitherto, not exposing the name of *Christ* to envy, they had been call'd *Disciples*, they now began first at *Antioch* from the name of their Founder to be call'd *Christians*. In these times certain Prophets came from the City of *Jerusalem* to *Antioch*, whereof one named *Agabus* standing up in the Congregation, signify'd by inspiration, that there should be a great Dearth thro' the whole world; which came to pass under *Claudius Cæsar*, the Successor of *Caligula*. At this time they at *Jerusalem*, partly because they were poor at their conversion to the Gospel, partly because they had deposited their Goods in common, and partly because they had been spoil'd by the Priest for their profession of *Christ*, ordain'd that by the contribution of such as had wherewithal, especially among the believing *Gentils*, Money should be sent to the relief of the Christians dwelling in *Judea*; but so that this Contribution was not to be forc'd but free, and according to every mans ability. This Money thus gather'd was sent by *Paul* and *Barnabas* to the Elders at *Jerusalem*, to be distributed at their discretion to such

such as were in need. While *Paul* and *Barnabas* were thus employ'd, King *Herod*, the same that beheaded *John*, and returned CHRIST cloth'd, thro' derision, in white, to *Pilate*, being griev'd to see this kind of People encrease, and the Name of *Jesus* King of the *Jews* to grow famous in divers Nations, became concern'd to root out such a Faction, and so spreading; wherefore he stretch'd forth his hand to vex certain of the Church, kill'd *James* the Brother of *John* with the Sword; and because he saw it pleas'd the *Jews*, proceeded further to take *Peter* also, who being imprison'd, was afterward miraculously deliver'd. But *Paul* and *Barnabas* having perform'd the Trust committed to them by the Brethren, and deliver'd the Contribution for relief of the Poor to the Apostles, return'd from *Jerusalem* to *Antioch*, taking with them *John*, whose Sirname was *Mark*.

NOW the Church of *Antioch* flourish'd in such manner, that she had some fill'd with the gift of Prophecy, and others with that of Teaching; among whom was *Barnabas* and *Simeon*, alias *Niger*, together with *Lucias* a *Cyrenian*, and *Manaen* who had been brought up with *Herod* the Tetrarch, whom he left to come to CHRIST: but the chief of them was *Saul*, endow'd with all the Gifts and Graces Apostolical. While all these were intent upon the Ministry of the Church, employing their several Gifts to the Glory of God, and in his most acceptable Service, the Salvation of Souls, with fasting and prayer, the Holy Ghost being stir'd up by their Zeal, signify'd his Will by the Prophets, saying, Separate me *Barnabas* and *Paul* for the Work whereto I have call'd them, namely, to be Doctors of the *Gentiles*, that by them I may propagate the Gospel. The command of the Spirit was obey'd, and *Barnabas* with *Paul*, to the end that every one might see who were chosen, were separated from the rest; and when the Congregation had unanimously implor'd the favour of God by prayer and fasting, the most eminent in Authority among them laid their hands upon the Persons so separated, and sent them wherever the Spirit of God should direct them. By this impulse therefore *Barnabas* and *Paul* went to *Seleucia*, being a Promontory of *Antiochia*, and thence sail'd into the Island of *Cyprus*, where they landed at *Salamis*, a famous City upon the Eastern part of the Island; they preach'd not human Inventions, but the Word of God, nor that by stealth, but in the Synagogues of the *Jews*, whereof thro' the Neighbourhood of *Syria* there was store. This Honour by the Commandment of CHRIST was always defer'd to the *Jews*, that the Gospel should be first offer'd to them, lest they being a querulous and repining Nation, should complain that they were despis'd. Thus travel'd these Apostles thro' the whole Island, till they came to *Paphos*, a City consecrated to *Venus* upon the Western Coast of *Cyprus*. Here they found a certain Magician call'd *Barjesus*, that is, the Son of *Jesus* a *Jew*, both by Nation and Religion, under which colour he falsly pretended to the gift of Prophecy. This man follow'd the Court of *Sergius Paulus*, Pro-consul or Governor of the Island for the *Romans*, otherwise a prudent man; but this sort of Vermine insinuates it self into the best to choose, that so their Corruption may do the greater and more compendious mischief to mankind. The Pro-consul nevertheless having understood the Gospel to be planting throughout *Cyprus*, not only forbore to stop the ears of others, but by sending for *Barnabas* and *Paul* seem'd desirous to open his own. Wherefore *Barjesus* endeavouring to resist the growth of the Word, as an Enemy to CHRIST, and resisting the Truth with Falshood, a strife arose between the true Prophets and a false one (for such is the Interpretation of the *Syriac* word *Elymas*) whom *Paul* at length confuted of spiritual blindness, by tak-

Book II. ing away the eyes of his body, miraculously struck in the presence of the Pro-consul, who at the same time receiving the light of the Gospel, embrac'd the Christian Faith. This being done at *Paphos*, *Paul* embark'd there with his Associates for the lesser *Asia*, and came to *Perga*, being a City of *Pamphylia*; here *John*, whose Surname was *Mark*, left them, and return'd to *Jerusalem*, while they, when they had visited *Pamphylia*, travel'd to *Antiochia*, a City of *Pisidia*, where having enter'd a Synagogue, they sat after the usual manner with the rest, attentive to the Law and the Prophets; whereof when the Parts appointed were read, and no man stood up, the Rulers of the Synagogue perceiving that the Strangers by their habit were *Jews*, and such as by their aspect promis'd more than ordinary, sent to them, desiring that if they had any word of exhortation for the People, they would speak. Whereupon *Paul* standing up, preach'd to them CHRIST; whence came the Word of the Lord to be divulg'd throughout that Region, tho' the *Jews* out of envy to the *Gentiles*, stirring up the devoutest Matrons (*An Art not unknown in these times*) and by them the chief of the City, rais'd such Sedition in it, and Tumult against the Apostles, that *Paul* and *Barnabas* being cast out, shook off the dust from their feet against them, and went thence to *Iconium* a City of *Lycaonia*. When they were come to *Iconium*, entring with the *Jews* after the custom into the Synagogue, they preach'd, as they had at *Antioch*, the Gospel of Jesus Christ, and with such efficacy, that multitudes both of the *Jews* and *Greeks* believ'd. Here again the Envy of the *Jews* became the Author of Sedition, by which means the City was divided into two Parts or Factions, whereof one stood for the unbelieving *Jews*, and the other for the Apostles. At length when such of the *Gentiles* as were join'd with the *Jews*, and the Rulers of the City, made an assault upon the Apostles, to offer violence and stone them; they being aware of it, fled to *Lystra* (a City of *Lycaonia*, which is a part of *Pamphylia*) and *Derbe*. At *Lystra* there was a man lame of his feet from the Womb, who having listen'd to *Paul* with great Attention and Zeal, was miraculously cur'd by the Apostle; when the People seeing what *Paul* had done, cry'd out, The Gods were descended in the likeness of Men: a persuasion that might gain the more easily upon the minds of the *Lycaonians* for the Fable of *Jupiter* and *Mercury*, said to have descended in human shape, and been entertain'd by *Lycaon*, from whom the *Lycaonians* receiv'd their name. Wherefore they call'd *Barnabas*, for the gravity of his aspect, *Jupiter*; *Paul* for his Eloquence, *Mercury*: and the Priest of *Jupiter*, who dwelt in the Suburbs, brought Bulls and Garlands to the Gates of the House where the Apostles were, to have offer'd Sacrifice with the People, which the Apostles abhorring, vigorously dissuaded. In the mean time certain *Jews* by Nation that were Unbelievers, coming from *Antioch* of *Pisidia*, and *Iconium*, drew the People to the other extreme, who from sacrificing to the Apostles fell on stoning them; a work which was brought so near to an end, that *Paul* being drawn by them out of the City, was left for dead, tho' he soon after recover'd, and went thence with *Barnabas* to *Derbe*: when they had propagated the Gospel there also, they return'd to *Lystra*, *Iconium*, and *Antiochia*, confirming the Disciples whom they had converted. Now because the propagation of the Gospel requir'd that the Apostles should be moving thro' divers Nations, they chirotonizing them Elders in every Congregation or Church, that is, ordaining them Elders by the Votes of the People in every City, left them to perform the Duties of the absent Apostles, and

Chap. 14.

and when they had fasted and pray'd, commended them to the Lord. Chap. 2. These things being brought to a conclusion, or finish'd at *Antioch* in *Pisidia*, when they had perambulated this Country, they also visited *Pamphylia*, sowing the Gospel where it was not yet sown, and confirming those who already believ'd, till they came to *Perga*: where having order'd their affairs, they proceeded to *Attalia*, being a maritime City of *Pamphylia*; and from thence they sail'd back to *Antioch* of *Syria*, whence first they set out, with Commission from the Elders, to preach the Gospel to the *Gentiles*, and where by the *Chirothesia*, or *Imposition of hands*, Prayer and Fasting, they had been recommended to the Grace of God, and design'd to the Work now finish'd.

IN this Narrative you have mention both of the *Chirotonia* and of the *Chirothesia*, or Imposition of hands, but of the former as of Ordination; for by that such were made Presbyters or Church-Officers as were not so before: of the latter not, I think, as of Ordination, at least in the sense we now take it; but as of designation of Persons to an occasional and temporary employment, that had been ordain'd before, for so sure had PAUL at least. However, that which is offer'd by this Narrative to present consideration, is no more than the bare Story.

CHAP. II.

That the Cities, or most of them nam'd in the Perambulation of the Apostles PAUL and BARNABAS, were at that time under popular Government. In which is contain'd the Administration of a Roman Province.

THE Romans of all Nations under Heaven were indow'd, as with the highest Virtues, so with the greatest human Glory; which proceeded from this especially, that they were in love with such as were in love with their Liberty. To begin with their dawn, the *Privernates* (a free People inhabiting the City and Parts adjoining, which at this day is call'd *Piperno*, some fifty miles from *Rome*, and five from *Sesse*) being the second time conquer'd by the *Romans*, it was consulted in the Senate what course should be taken with them; where while some, according to the different temper of men, shew'd themselves hotter, and others cooler, one of the *Privernates* more mindful of the condition wherein he was born, than of that wherein he was fallen, happen'd to render all more doubtful: for being ask'd by a Senator of the Severer judgment, what Punishment he thought the *Privernates* might deserve, *Such* (says he) *as they deserve who believe themselves worthy of Liberty*. At the courage of which answer, the Consul (perceiving in them that had been vehement enough before against the *Privernates* but the greater animosity, to the end that by a gentler Interrogatory he might draw some softer answer from him) reply'd, *And what if we inflict no punishment at all, but pardon you; what Peace may we expect of you? Why if you gives us a good one* (said the other) *a steady and perpetual Peace, but if an ill one, not long*. At which a certain Senator falling openly upon ruffling and threatening the *Privernate*, as if those words of his tended to some practice or intention to stir up the Cities in Peace to Sedition, the better part of the Fathers being quite of another mind, declar'd, *That they had heard the voice of a Man, and of a Freeman*. For why, said they, should

Liv. l. 8. c. 21.

Book II. *Should it be thought that any Man or People will remain longer under such a Burden as they are not able to bear, than till they can throw it down? There a Peace is faithful, where it is voluntary; if you will have Slaves, you are not to trust them, but their Fetters.* To this opinion the Consul especially inclining, inclin'd others, while he openly profest, *That they who had no thought but upon their Liberty, could not but be thought worthy to be Romans:* whereupon the Decree past by authority of the Fathers, which was afterwards propos'd to the Congregation, and ratify'd by the Command of the People, whereby the *Privernates* were made Citizens of *Rome*. Such was the Genius of the *Roman* Common-wealth; where by the way you may also observe the manner of her Debate and Result (*Authoritate Patrum & Jussu Populi*) by the Advice of the Senate, and the *Chirotonia* of the People.

BUT that which in this place is more particularly offer'd to consideration, is her usual way of proceeding in case of Conquest with other Nations: for tho' bearing a haughty brow towards such as, not contented to enjoy their Liberty at home, would be her Rivals abroad, she dealt far otherwise, as with *Carthage*; this case excepted, and the pilling and polling of her provinces, which happen'd thro' the Avarice and Luxury of her Nobility, when the Balance of popular Power being broken, her Empire began towards the latter end to languish and decline; the way which she took with the *Privernates* was that which she usually observ'd with others throughout the course of her Victories, and was after the Change of Government made good at least in some part by the *Roman* Emperors, under whom were now those Cities mention'd in the present Perambulation of the Apostles PAUL and BARNABAS. STRABO for his credit among human Authors is equal to any; he liv'd about the time of this Perambulation, and being a *Greek*, is less likely to be partial: Of that therefore which I have affirm'd to have been the course of the *Romans* in their Victories, I shall make choice of this Author for a witness; first where he epitomizes the Story of *Athens* after this manner: *When the Carians by Sea, and the Bœotians by Land wasted Attica, CECROPS the Prince, to bring the People under shelter, planted them in twelve Cities, Cecropia, Tetrapolis, Epacrea, Decelea, Eleufis, Aphydna, Thoricus, Brauron, Cytherus, Sphettus, Cephissia, Phalerus; which THESEUS is said to have contracted into one call'd Athens. The Government of this City had many changes; at first it was Monarchical then Popular: This again was usurp'd by the Tyrants PISISTRATUS and his Sons, whence recover'd, it fell afterwards into the hands of the Few, as when the four hundred once, and again the thirty Tyrants were impos'd by the Lacedemonians, in the War of Peloponnesus: which Yoke the Athenians (by means of their faithful Army) shaking off, restor'd their popular Government, and held it till the Romans attain'd to the Dominion of Greece. Now tho' it be true that they were not a little disturb'd by the Kings of Macedon, to whom they were forc'd to yield some kind of obedience; they nevertheless preserv'd the form of their Common-wealth so intire, that there be who affirm it never to have been better administred, than at such time as Macedon was govern'd by CASSANDER: for this Prince, tho' in other things more inclining towards the Tyrant, having taking Athens by surrender, us'd not the People ill, but made DEMETRIUS PHALEREUS the Disciple of THEOPHRASTUS the Philosopher, chief Magistrate among them; a man so far from ruining their popular State (as in the Commentaries he wrote upon this kind of Government*

Strab. 1. 9.

vernment is attested) that he repair'd it. Nevertheless, whether suspected Chap. 2.
or envy'd for his Greatness without support by the Macedonians, after the
death of CASSANDER he fled into Egypt, while his Enemies breaking
down his Statues (as some say) made homely Vessels of them. But the
Romans having receiv'd the Athenians under their popular form, left them
their Laws and Liberties untouch'd, till in the War with MITHRIDA-
TES they were forc'd to receive such Tyrants as that King was pleas'd
to give them; whereof ARISTION the greatest, when the Romans had
re-taken the City from him, being found trampling upon the People, was
put to death by SYLLA, and the City pardon'd, which to this day (he wrote
about the Reign of TIBERIUS) not only enjoys her Liberties, but is high
in honour with the Romans. This is the Testimony of STRABO agree-
ing with that of CICERO, where disputing of Divine Providence, he
says, that to affirm the World to be govern'd by Chance, or without God,
is as if one should say that Athens were not govern'd by the Areopagits.
Nor did the Romans by the deposition of the same Author (or indeed
of any other) behave themselves worse in Asia (the scene of our pre-
sent Discourse, where the same PAUL, of whom we are speaking, be-
ing born at Tarsus, a City of Cilicia, that had acquir'd like or greater
Privilege by the same bounty, was also a Citizen of Rome) than in Greece.
Asia is understood in three significations: First, for the third part of the
World answering to Europe and Africa. Secondly, for that part of
Asia which is now call'd Natolia. Thirdly, for that part of it which
ATTALUS King of Pergamum, dying without Heirs, bequeath'd and
left to the People of Rome: this contain'd Mysia, Phrygia, Æolis, Ionia,
Caria, Doris, Lydia, Lycaonia, Pisidia, and by consequence the Cities
whereof we are speaking. To all these Countries the Romans gave
their Liberty, till in favour of ARISTONICUS, the Bastard of EUME-
NES, many of them taking Arms, they were recover'd, brought into
subjection, and fram'd into a Province.

WHEN a Consul had conquer'd a Country, and the Romans in-
tended to form it into a Province, it was the custom of the Senate to
send (*decem Legatos*) ten of their Members, who with the Consul had
power to introduce and establish their provincial way of Government.
In this manner Asia was form'd by MARCUS AQUILLIUS Consul;
afterwards so excellently reform'd by SCÆVOLA, that the Senate in
their Edicts us'd to propose his example to succeeding Magistrates, and
the Inhabitants to celebrate a Feast to his Name. Nevertheless MI-
THRIDATES King of Pontus (all the Romans in this Province being
massacred in one day) came to possess himself of it, till it was reco-
ver'd at several times by SYLLA, MURENA, LUCULLUS and POMPEY.
The Romans in framing a Country into a Province, were not accu-
stom'd to deal with all the Inhabitants of the same in a like manner,
but differently according to their different merit. Thus divers Cities
in this were left free by SYLLA, as those of the Ilienses, the Cbians,
Rhodians, Lycians, and Magnesiens, with the Cyzicens, tho' the last
of these afterwards for their practices against the Romans forfeited their
Liberty to TIBERIUS, in whose Reign they were for this reason de-
priv'd of the same.

TAKING Asia in the first sense, that is, for one third part of the
World, the next Province of the Romans in this Country was Cilicia,
containing Pamphylia, Isauria, and Cilicia more peculiarly so call'd.
Here CICERO was sometimes Pro-consul, in honour to whom part of

Book II.

Epist.

Phrygia, with *Pisidia* and *Lycaonia*, were taken from the former, and added to this Jurisdiction, by which means the Cities whereof we are speaking came to be of this Province. Adjoining hereto was the Commonwealth of the *Lycians*, which the *Romans* left free: into this also the City of *Attalia* by some is computed, but *Iconium* both by STRABO and CICERO; the latter whereof being Pro-consul, in his Journey from *Laodicea*, was receiv'd by the Magistrates and Deputies of this City. *Lystra* and *Derbe*, being Cities of *Lycaonia*, must also have been of the same Province. Next to the Province of *Cilicia* was that of *Syria*, containing *Comagene*, *Seleucis*, *Phœnicia*, *Cœlosyria*, and *Judea* or *Palestin*. In *Seleucis* were the four famous Cities, *Seleucia*, *Antiochia*, *Apamea* (the last entire in her Liberty) and *Laodicea*. *Comagene* and *Judea* were under Kings, and not fram'd into Provinces, till in the time of the Emperors.

THE fourth Province of the *Romans* in *Asia* was that of *Bitthynia* with *Pontus*: these were all acquir'd or confirm'd by the Victories of POMPEY the Great. STRABO, who was a *Cappadocian* born at *Amasia*, relates a story worthy to be remember'd in this place. " From the
" time, says he, that the *Romans*, having conquer'd ANTIOCHUS,
" became Moderators of *Asia*, they contracted Leagues of Amity with
" divers Nations; where there were Kings, the honour of address was
" defer'd to them, with whom the Treaties that concern'd their Coun-
" tries were concluded. But as concerning the *Cappadocians*, they
" treated with the whole Nation, for which cause the Royal Line
" of this Realm coming afterwards to fail, the *Romans* gave the Peo-
" ple their freedom or leave to live under their own Laws: and when
" the People hereupon sending Embassadors to *Rome*, renounc'd their
" Liberty, being that to them which they said was intolerable, and
" demanded a King; the *Romans* amaz'd there should be men that
" could so far despair, permitted them to choose, of their Nation,
" whom they pleas'd; so ARIOBARZANES was chosen, whose Line
" again in the third Generation coming to fail, ARCHELAUS was
" made King by ANTHONY (where you may observe, in passing, that
" the *Romans* impos'd not Monarchical Government, but for that mat-
" ter us'd to leave a People as they found them) Thus at the same time
" they left PONTUS under King MITHRIDATES, who not contain-
" ing himself within his bounds, but extending them afterwards as far
" as *Colchis* and *Armenia* the Less, was reduc'd to his terms by POM-
" PEY; who devesting him of those Countries which he had usurp'd,
" distributed some part of them to such Princes as had assisted the *Ro-*
" *mans* in that War, and divided the rest into twelve Common-wealths,
" of which, added to *Bitthynia*, he made one Province. When the
" *Roman* Emperors became Monarchs, they also upon like occasions
" made other distributions, constituting Kings, Princes, and Cities,
" some more, some less, some wholly free, and others in subjection
" to themselves." Thus came a good, if not the greater part of the
Cities in the Lesser *Asia*, and the other adjoining Provinces, to be some
more, some less free; but the most of them to remain Common-
wealths, or to be erected into popular Governments, as appears yet
clearer by the intercourse of PLINY, while he was Pretor or Gover-
nor of *Bitthynia*, with his Master the Emperor TRAJAN; a piece of
which I have insert'd in the Letters following.

PLINY

PLINY to TRAJAN.

S I R,

IT is provided by POMPEY's Laws for the *Bithynians*, that no man under thirty years of Age be capable of Magistracy, or of the Senate: by the same it is also establish'd, that they who have borne Magistracy may be Senators. Now because by a latter Edict of AUGUSTUS, the lesser Magistracies may be borne by such as are above one and twenty; there remains with me these doubts, whether he that being under thirty, has borne Magistracy, may be elected by the Censors into the Senate; and if he may, whether of those also that have not borne Magistracy, a man being above one and twenty, seeing at that age he may bear Magistracy, may not by the same interpretation be elected into the Senate, tho' he has not borne it: which is here practis'd and pretended to be necessary, because it is somewhat better, they say, that the Senate be fill'd with the Children of good Families, than with the lower sort. My opinion being ask'd upon these points by the new Censors, I thought such as being under thirty have born Magistracy, both by POMPEY's Laws, and the Edict of AUGUSTUS, to be capable of the Senate; seeing the Edict allows a man under thirty to bear Magistracy, and the Law, a man that has borne Magistracy, to be a Senator. But as to those that have not borne Magistracy, tho' at the age in which they may bear it, I demur till I may understand your Majesty's pleasure, to whom I have sent the Heads both of the Law and of the Edict.

TRAJAN to PLINY.

YOU and I, dearest PLINY, are of one mind. POMPEY's Laws are so far qualified by the Edict of AUGUSTUS, that they who are not under one and twenty may bear Magistracy, and they who have borne Magistracy may be Senators in their respective Cities: but for such as have not borne Magistracy, tho' they might have borne it, I conceive them not eligible into the Senate till they be thirty years of age.

PLINY to TRAJAN.

S I R,

POWER is granted to the *Bithynian* Cities by POMPEY's Law, to adopt to themselves what Citizens they please, so they be not Foreigners, but of the same Province; by the same Law it is shewn in what cases the Censors may remove a man from the Senate: Among which nevertheless it is not provided what is to be done in case a foreign Citizen be a Senator. Wherefore certain of the Censors have thought fit to consult me, whether they ought to remove a man that is of a foreign City for that cause out of the Senate. Now because the Law, tho' it forbids the adoption of a Foreigner, commands not that a Foreigner for that cause should be remov'd out of the Senate, and I am inform'd there be foreign Citizens almost in every Senate; so that many, not only Men, but Cities might suffer Concussion by the

“ resti-

Book II. “ restitution of the Law in that part, which thro’ a kind of consent
 “ seems to be now grown obsolete; I conceive it necessary to have
 “ your Majesty’s Resolution in the case, to which end I have sent a
 “ Breviate of the Law annex’d.

TRAJAN to PLINY,

“ **W**ITH good cause, dearest PLINY, have you doubted what
 “ answer to return to the Censors, inquiring whether they
 “ ought to elect a man into the Senate that is of another City, tho’ of
 “ the same Province; seeing on the one side the Authority of the Law,
 “ and of Custom on the other to the contrary, might well disorder
 “ you. To innovate nothing for the time past, I think well of this
 “ expedient: they who are already elected Senators, tho’ not accord-
 “ ing to the Law, of what City soever they be, may remain for the
 “ present; but for the future POMPEY’s Laws should return to their
 “ full virtue, which if we should cause to look back, might create
 “ trouble.

THIS might serve, but there will be no hurt in being a little fuller in the Discovery of Provincial Government.

THE Provinces so fram’d, as has been shewn, were subdivided into certain Circuits called *Dioceses*; that of *Asia* had six, *Alabanda*, *Sardes* (antiently the Senate of CRÆSUS) *Smyrna*, *Ephesus*, *Adramytis*, *Pergamum*. That of *Cilicia* had also six, the *Pamphylian*, *Isaurian*, and *Cilician*, the Metropolis whereof was *Tarsus*, a free City; to these were taken out of the Province of *Asia*, *Cibyra*, *Sinnada*, *Apamea*: what were the *Dioceses* of the other two SIGONIUS, whom I follow, does not shew. At these in the Winter (for the Summer was spent commonly with the Army) the People of the Province assembled at set times, as at our Assizes, where the *Roman* Governors did them Justice.

THE Governors or Magistrates, to whose care a Province was committed, were of two kinds: the first and chief was Consul or Pretor, which appellations differ’d not in Power, but in Dignity, that of Consul being more honourable, who had twelve Licitors, whereas the Pretor had but six; if the annual Magistracy of either of these came to be prorogu’d, he was call’d *Pro-consul* or *Pro-pretor*.

THE second kind of Magistrate in a Province was the Questor, Receiver or Treasurer, who being also annual, was attended by Licitors of his own; if he dy’d within his year, the Consul, Pro-consul, or Pretor might appoint one for that time in his place, who was call’d Pro-questor. The Power of the Consul, Pro-consul, or Pretor, was of two kinds, the one Civil, the other Military; the former call’d Magistracy, the latter Empire.

THE Pomp of these assuming and exercising their Magistracy was reverend; the Consul or Pro-consul had Legates, sometimes more, but never under three, appointed him by the Senate: these were in the nature of Counsellors to assist him in all Affairs of his Province; he had Tribunes, Colonels, or Field Officers, for the military part of his Administration; he had also Secretaries, Serjeants, Herald or Criers, Licitors or Insign-bearers, Interpreters, Messengers, Divines, Chamberlains, Physicians; and besides these his Companions, which for the most

most part were of the younger sort of Gentlemen or Gallants that accompanied him for his Ornament, and their own Education. Into this the somewhat-like Train of the Questor (who by the Law was in place of a Son to the Pro-consul, and to whom the Pro-consul was to give the regard of a Father) being cast, it made the Pretorian Cohort or Guard always about the Person of the Pro-consul, who in this Equipage having done his Devotions at the Capitol, departed the City *Paludatus*, that is in his Royal Mantle of Gold and Purple, followed for some part of the way with the whole Train of his Friends, wishing him much joy and good speed.

IN his Province he executed his twofold Office, the one of Captain General, the other of the supreme Magistrate. In the former relation he had an Army either received from his Predecessor, or new levied in the City; this consisted in the one half of the Legions (as I have elsewhere shewn) and in the other of Associates: for the greatness of the same, it was proportioned to the Province, or the occasion; to an ordinary Province in times of Peace, I believe an Army amounted not to above one Legion with as many Auxiliaries, that is, to a matter of twelve thousand Foot, and twelve hundred horse. The Magistracy or Jurisdiction of the Proconsul, or Pretor, was executed at the Metropolitan City of each *Diæcis*, which upon this occasion was to furnish the Pretorian Cohort with Lodging, Salt, Wood, Hay, and Stable-room at the charge of the Country. These, though CICERO would hardly receive any of them, were, towards the latter time of the Commonwealth, extended by the Provincial Magistrates to so great a burden to the People, that it caused divers Laws to be passed in Rome (*de repetundis*) for restitution to be made to the Provinces, by such as had injured them. Upon such Laws was the prosecution of VERRES by CICERO. When and where this kind of Court was to be held, the Consul, Pro-consul, or Pretor, by Proclamation gave timely notice. Being assembled at the time, and the City appointed, in the Townhall stood a Tribunal; upon this the *Sella Curulis*, or Chair of State, in which sat the Consul, Pro-consul, or Pretor, with his Pretorian Cohort or Band about him, furnished with all manner of Pomp, and Officers requisite to the Ornament or Administration of so high a Magistracy. The Jurisdiction of this Court was according to the Laws made for the administration of the Province; but because they could not foresee all things (as appeared by the Questions which PLINY put upon the Laws of POMPEY, to TRAJAN) it came to pass, that much was permitted to the Edicts of the Provincial Pretors, as was also in use at Rome with the Pretors of the City: and if any man had judged otherwise in his Province, than he ought to have done in the City, made an Edict contrary to the Law of his Province, or judged any thing otherwise than according to his own Edict, he was held guilty of, and questionable for a heinous Crime. But what the Law of this or that Province (which differed in each) was, would be hard particularly to say; only in general it was for the main very much resembling that of Sicily, called *Rupilia*.

LEGE Rupilia, or by the Law of RUPILIUS, a cause between one Citizen and another being of the same City, was to be tried at home by their own Laws. A Cause between one Provincial and another being of divers Cities, was to be tried by Judges whom the Pretor should appoint by lot. What a private man claimed of a People, or a People of a private man,

was to be refer'd to the Senate of some third City. Upon what a Roman claim'd of a Provincial, a Provincial was to be appointed Judge. Upon what a Provincial claim'd of a Roman, a Roman was to be appointed Judge. For decision of other Controversies, select Judges from among the Romans (not out of the Pretorian Cohort, but out of such Romans, or other Citizens free of Rome, as were present in the same Court) were to be given. In criminal Causes, as Violence, Peculate, or Treason, the Law, and the manner of proceeding was the same in the Provinces, as in Rome.

FOR the Tributes, Customs, Taxes, levies of Men, Money, Shipping, ordinary or extraordinary, for the common defence of the Roman Republic, and her Provinces, the Consuls, Pro-consuls, or Pretors, proceeding according to such Decrees of the Senate as were in that case standing or renew'd upon emergent occasions; in gathering these lay the Magistracy or office of the Questor: if the Pro-consul were indispos'd, or had more business than he could well turn his hand to, Courts of this nature might be held by one or more of his Legates. With matters of Religion they meddl'd not; every Nation being so far left to the liberty of Conscience, that no violence for this cause was offer'd to any man: by which means both Jews and Christians, at least till the time of the persecuting Emperors, had the free exercise of their Religion throughout the Roman Provinces. This the Jews lik'd well for themselves, nor were they troubl'd at the Heathens; but to the Christians they always grudg'd the like privilege. Thus when they could no otherwise induce PILATE to put Christ to death, they accus'd Christ of affecting Monarchy, and so afrighted PILATE, being a mean condition'd fellow, while they threaten'd to let TIBERIUS know he was not Cæsar's Friend that he comply'd with their ends. But when at Corinth where GALLIO (a man of another temper) was Pro-consul of Achaia, they would have been at this sport again, and with a great deal of Tumult had brought PAUL before the Tribunal, GALLIO took it not well, that they should think he had nothing else to do than to judge of Words, and Names, and Questions of their Law; for he car'd no more for the Disputes between the Christians and the Jews, than for those between the Epicureans and the Stoicks. Wherefore his Lictors drove them from the Tribunal, and the officious Corinthians, to shew their love to the Pro-consul, fell on knocking them out of the way of other business.

NOW tho' the Common-wealth of the Achæans, being at this time a Roman Province under the Pro-consul GALLIO, enjoy'd no longer her common Senate, Strategus, and Demiurges, according to the model shewn in the former Book; yet remain'd each particular City under her antient form of Popular Government, so that in these, especially at Corinth, many of the Greeks being of the same judgment, the Jews could not dispute with the Christians without Tumult. Of this kind was that which happen'd at Ephesus, where Christianity growing so fast, that the Silver-smiths of DIANA's Temple began to fear they should lose their Trade; the Jews liking better of Heathenism than Christianity, set ALEXANDER, one of their pack, against PAUL.

THIS place (in times when men will understand no otherwise of human story than makes for their ends) is fallen happily into my hand; seeing that which I have said of a Roman Province, will be thus no less than prov'd out of Scripture. For the Chancellor of Ephesus perceiving the Ecclesia (so it is in the Original) or Assembly

(as

(as in our Translation) uncall'd by the Senate, or the Magistracy to Chap. 2.
 be tumultuously gather'd in the Theatre (their usual place, as in *Syracusa* and other Cities, of meeting) betakes himself to appease the People with divers arguments: among which he has these. First, as to matter of Religion, *You have brought hither, says he, these men which are neither robbers of Temples (Churches our Bible has it, before there was any Church to be robb'd) nor yet blasphemers of the Goddess:* In which words (seeing that they offering no scandal, but only propagating that which was according to their own Judgment, were not obnoxious to Punishment) he shews that every man had *liberty of conscience*. Secondly, as to Law: If *DEMETRIUS and the Craftsmen which are with him have a matter against any man, the Law, says he, is open*. Thirdly, as to the matter of Government, which appears to be of two parts, the one Provincial, the other Domestic: For the former, says he, there are (*ἀντιπρόσωποι*) Pro-consuls (he speaks in the plural number with relation to the Legates, by whom the Pro-consul sometimes held his Courts; otherwise this Magistrate was but one in a Province, as at this time for *Asia* *PUBLIUS SUILIUS*) and to the latter, says he, *if you desire any thing concerning other matters, that is, such as appertain to the Government of the City (in which the care of the Temple was included) it shall be determin'd in a lawful Ecclesia, or Assembly of the People*. By which you may see that notwithstanding the Provincial Government, *Ephesus*, tho' she was no free City, (for with a free City the Pro-consul had nothing of this kind to do) had (*αὐτονομία*) the Government of her self (as those other Cities mention'd in *PLINY's* Epistles) by the Senate, and the People; for wherever one of these is nam'd, as the Senate by *PLINY*, or the People by *LUKE*, the other is understood. When the Chancellor had thus spoken, he dismiss'd the *Ecclesia*. It is *LUKE's* own word, and so often as I have now repeated it, so often has he us'd it upon the same occasion. Wherefore I might henceforth expect two things of Divines; first, that it might be acknowledg'd that I have good Authors, *LUKE* and the Chancellor of *Ephesus*, for the word *Ecclesia* in this sense; and secondly, that they would not persuade us, the word *Ecclesia* has lost this signification, lest they condemn this place of Scripture to be no more understood. The manner of Provincial Government being thus prov'd, not only out of profane Authors, but out of Scripture it self; and the Cities that were least free having had such power over themselves, and their Territories; why, if the *Romans* took no more of them for this protection, than was paid to their former Lords, did they not rather undertake the patronage of the World than the Empire; seeing *Venice*, and *Dantzic*, while the one was tributary to the *Turk*, the other to the King of *Poland*, were nevertheless so free Estates, that of a King, or a Common-wealth that should have put the rest of the world into the like condition, no less in our day could have been said? And yet that the *Romans*, when the nature of the Eastern Monarchies shall be rightly consider'd, took far less of these Cities than their old Masters, will admit of little doubt. *CICERO* surely would not lie; he, when Pro-consul of *Cilicia*, wrote in this manner concerning his Circuit, to his friend *SERVILIUS*: *Two days I staid at Laodicea, at Apamea five, at Sinnadæ three, at Pilomelis five, at Iconium ten; than which Jurisdiction or Government there is nothing more just or equal*. Why then had not those Cities their Senates and their *Ecclesiæ*,

Book II. *Ecclesia*, or Congregations of the People, as well as that of *Ephesus*, and those whereof PLINY gives an account to TRAJAN?

CORINTH was in *Achaia*; *Perga* of *Pamphylia*, *Antioch* of *Pisidia*, *Iconium*, *Lystra*, *Derbe* of *Lycaonia*, were in *Cilicia*; and with these, as some reckon, *Attalia*. *Ephesus* and the other *Antioch* were in *Syria*. *Achaia*, *Cilicia*, and *Syria*, were Roman Provinces at the time of this Perambulation of the Apostles: The Cities under Provincial Administration, whether free or not free, were under Popular Government; whence it follows, that *Corinth*, *Ephesus*, *Antioch* of *Syria*, *Antioch* of *Pisidia*, *Perga*, *Iconium*, *Lystra*, *Derbe*, *Attalia*, being at this time under Provincial Administration, were at the same time under Popular Government. There has been no hurt in going about, for the proof of this; tho' indeed to shew that these Cities (had *quandam* *δημοκρατίας*) were under Popular Government, we needed to have gone no further than the Text, as where the Chancellor of *Ephesus*, to get rid of a tumultuous *Ecclesia* or Assembly of the People, promises them a lawful one. In *Iconium*, *Lystra*, *Derbe*, and the rest, you hear not of any King (as where HEROD stretch'd out his hand to please the Jews, and vex the Church) but of the People, of their Rulers, of their Assemblies, and of their Tumults. The People at *Lystra* are now agreed to give the Apostles divine Honours: and anon, both at *Iconium* and *Lystra*, to stone them. Now to determine of divine Honour, or of Life and Death, are acts of Sovereign Power. It is true, these nevertheless may happen to be usurp'd by a mere Tumult; but that cannot be said of these Congregations, which consisted as well of the Magistrates and Rulers, as of the People, and where the Magistrates shew that they had no distinct Power whereby to restrain the People, nor other means to prevail against them, than by making of Parties: Which Passages, as they prove these Common-wealths on the one side to have been ill constituted, evince on the other, that these Cities were under Popular Government.

C H A P. III.

The Deduction of the Chirotonia from Popular Government, and of the Original Right of Ordination from the Chirotonia. In which is contain'd the Institution of the Sanhedrim or Senate of Israel by MOSES, and of that of Rome by ROMULUS.

DIVINES generally in their way of disputing have a bias that runs more upon Words than upon Things; so that in this place it will be necessary to give the Interpretation of some other Words, whereof they pretend to take a strong hold in their Controversies. The chief of these has been spoken to already: *Chirotonia* being a word that properly signifies *the Suffrage of the People*, wherever it is properly us'd, implies Power; wherefore tho' the Senate decrees by Suffrage as well as the People, yet there being no more in a Decree of the Senate than Authority, the Senate is never said to *Chirotonize*, or very seldom and improperly, this word being peculiar to the People. And thus much is imply'd in what went before.

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THE next Word in Controversy is *Psephisma*, which signifies a Decree or Law; and this always implying Power, always implies the Suffrage of the People, that is, where it is spoken of popular Government: for tho' a *Psephisma* or Decree of the *Athenian* Senate was a Law for a year before it came to the Suffrage or *Chirotonia* of the People, yet the Law or Constitution of *SOLON*, whereby the Senate had this Power, was originally derived from the *Chirotonia* of the People.

THE third Word (*καθίστασις*) signifies to constitute or ordain; this in the political sense of the same implies not Power, but Authority: For a man that writes or proposes a Decree or Form of Government, may be said (*καθίστασις*) to propose or constitute it, whether it be confirm'd by the *Chirotonia* of the People or not; nay with *HALICARNASSÆUS* the Word signifies no more than barely to call or assemble the Senate,

βουλὴν ὑπὲρ τινὸς καθίστασθαι.

NOW if these Words be sometimes otherwise taken, what Words be there in any Language that are not often us'd improperly? But that understood politically, they must of necessity be understood as I have shewn, or will so intangle and disorder Government, that no man shall either make head or foot of it, is that which I make little question to evince in the surest way, that is, by opening the nature of the Things whence they derive, and whereof they are spoken by the best Authors.

And because the Words (tho' the Things they signify were much more antient) derive all from *Athens*, I shall begin by this Constitution to shew the proper use of them. *Chirotonia* in *Athens*, as has been shewn out of *SUIDAS* (who speaking of *Rome* refers to this) was Election of Magistrates, or enacting Laws by the Suffrage of the People: which, because they gave by holding up their hands, came thence to be called *Chirotonia*, which signifies holding up of hands. The Legislative Assembly, or Representative of the People, called the *Nomothetæ*, upon occasion of repealing an old Law, and enacting a new one, gave the *Chirotonia* of the People: And yet says the *Athenian* Law (*διαχειροτονίαν δεῖ ποιεῖν τοὺς προέδρους περὶ τούτων τῶν νόμων*) Let the Proedri give or make the *Chirotonia* to either Law. The Proedri, as was shewn in the former Book, were the ten Presidents of the *Prytans*; which *Prytans* upon this occasion were Presidents of the *Nomothetæ*. Again whereas it was the undoubted Right and Practice of the People to elect their Magistrates by their *Chirotonia* (*καὶν ὑμεῖς ἕνα, μὲν πλείους, καὶν τον δεῖναι, καὶν ὀντινοῦν χειροτονήσετε στρατηγόν*) it is nevertheless shewn by *POLLUX* to have been the peculiar Office of the *Thesmothetæ* (*στρατηγὸς χειροτονεῖν*) to *chirotonize* the Magistrates. For as the Proedri were Presidents of the People in their Legislative Capacity, so were the *Thesmothetæ*, upon occasion of Elections: thus the *Chirotonia* of the Proedri or of the *Thesmothetæ*, signifies nothing else but the *Chirotonia* of the People, by which they enacted all their Laws, and elected all their Civil or Ecclesiastical Magistrates or Priests, as the *Rex Sacrificus*, and the *Orgeones*, except some by the Lot; which Ordination, as is observ'd by *ARISTOTLE*, is equally popular. This, whether ignorantly or wilfully unregarded, has been, as will be seen hereafter, the cause of great absurdity; for who sees not that to put the *Chirotonia*, or Sovereign Power of *Athens* upon the Proedri or the *Thesmothetæ*, is to make such a thing of that Government as can no wise be understood?

Demost. contra Timon.

Phil. 1.

L. 8. c. 8.

Book II.

WHAT the People had past by their *Chirotonia*, was call'd *Psephisma*, an Act or Law. And because in the *Nomothetæ* there were always two Laws put together to the Vote, that is to say, the old one, and that which was offer'd in the room of it, they that were for the old Law were said (*ἀποψηφίζεν*) to pronounce in the Negative; and they that were for the new (*καταψηφίζεν*) to pronounce for the Affirmative.

THESE Laws, these Propositions, or this frame of Government, having been propos'd first by SOLON, and then ratify'd or establish'd by the *Chirotonia* of the *Athenian* People; ARISTOTLE says of him (*ὁ δὲ δημοκρατικὸν καταστήσας*) that he *instituted* or *constituted* the popular Government; which Constitution implies not any Power in SOLON, who absolutely refus'd to be a King, and therefore the word *καταστήσας* as to him implies no more than Authority. I have shew'd you the Words in controversy, and the Things together in the Mint; now whether they that as to *Athens* introduc'd them both, understood either, I leave my Reader by comparing them to judge.

IT is true that the Things express'd by these Words have been in some Common-wealths more, in others less antient than the *Greek* Language; but this hinders not the *Greeks* to apply the Words to the like Constitutions or Things, wherever they find them, as, by following HALLICARNASSÆUS, I shall exemplify in *Rome*.

Lib. 2.

Ὁ ΔΕ ΡΩΜΟΥΣ, ἔπειδ' αὐτὰ δεύσκησε, βουλευτὰς ἐνὸς ἔγνω καταστήσασθαι. ROMULUS, when he had distributed the People into Tribes and Parishes, proceeded to ordain the Senate: in this manner the Tribes were three and the Parishes thirty; out of every Tribe he elected three Senators, and out of every Parish three more, all by the Suffrage of the People. These therefore came to ninety nine chosen by the *Chirotonia*; to which he added one more, not chosen by the *Chirotonia*, but by himself only: Which Election we may therefore say was made by the *Chirothesia*; for as in this Chapter I am shewing that the *Chirotonia* is Election by the many, so in the next I shall shew that the *Chirothesia* is Election by one, or by the Few. But to keep to the matter in hand; the Magistrate thus chosen by ROMULUS was (*præfæctus urbi*) the Protector of the Common-wealth, or he who, when the King was out of the Nation or the City, as upon occasion of war, had the exercise of Royal Power at home. In like manner with the Civil Magistracy were the Priests created (tho' some of them not so antiently) for the *Pontifex Maximus*, the *Rex Sacrificus*, and the *Flamens*, were all ordain'd by the Suffrage of the People (*Pontifex Tributis*, *Rex Centuriatis*, *Flamines Curiatis*) the latter of which, being no more than Parish Priests, had no other Ordination than by their Parishes. All the Laws, and all the Magistrates in *Rome*, even the Kings themselves, were according to the Orders of this Common-wealth to be created by the *Chirotonia* of the People; which nevertheless is by APPIAN sometimes call'd *δημόκρατον χειροτονία*, the *Chirotonia* of the Tribunes, whether these Magistrates were Presidents of the Assemblies of the People, or elected by them. *Sic Romani Historici non raro loquuntur, Consulem qui comitia habuerit creasse novos Magistratus, non aliam ob causam nisi quia suffragia receperit, & Populum moderatus est in eligendo.*

Calv. Inst. L.
4. Cap. 3. §.
15.

WHAT past the *Chirotonia* of the People, by the *Greeks* is call'd *Psephisma*: μελλούσης δὲ διαλύθαι τῆς ἐκκλησίας, ἀναστὰς ὁ Μάρκιος ἔφη. ἃ μὲν ἐψηφίσαντο τὸ κοινὸν ὑμῶν ἔχει καλῶς. When the Congregation of the People was to be dismiss,

Dion. Hal. l. 8.

dismist, MARCUS standing up, said, Your Psephisma, that is your Act, Book II.
is exceeding good, &c.

THIS Policy, for the greater part, is that which ROMULUS (as was shewn) is said (*κατασκευάζει*) to have instituted or ordain'd, tho' it be plain that he ordain'd it no otherwise than by the *Chirotonia* of the People.

THUS you have another example of the three words in controversy (*Chirotonia*, *κατασκευάζει*, *Psephisma*) still apply'd in the same sense and to the same things. Have I not also discover'd already the original Right of Ordination, whether in civil or religious Orders? This will be scandalous. How! derive Ordination as it is in the Church of CHRIST, or as it was in the Church of the *Jews*, from the Religion, or rather Superstition of the Heathens! I meddle not with their Religion, nor yet with their Superstition, but with their Ordination which was neither, but a part of their Policy. And why is not Ordination in the Church or Common-wealth of CHRIST, as well a political thing as it was in the Churches or Common-wealths of the *Jews*, or of the Heathens? Why is not Election of Officers in the Church as well a political thing, as Election of Officers in the State? and why may not this be as lawfully perform'd by the *Chirotonia* in the one, as in the other?

THAT MOSES introduc'd the *Chirotonia*, is expressly said by Philo de Inst. Princ.
PHILO; tho' he opposes it to the Ballot, in which I believe he is mistaken, as not seeing that the Ballot including the Suffrage of the People, by that means came as properly under the denomination of the *Chirotonia*, as the Suffrage of the *Roman* People, which tho' it were given by the Tablet, is so call'd by *Greek* Authors. All Ordination of Magistrates, as of the Senators or Elders of the *Sanhedrim*, of the Judges or Elders of interior Courts, of the Judge or Suffes of *Israel*, of the King, of the Priests, of the Levites, whether with the Ballot or *viva voce*, was perform'd by the *Chirotonia* or Suffrage of the People. In this (especially if you admit the Authority of the *Jewish* Lawyers, and Divines call'd the *Talmudists*) the Scripture will be clear, but their Names are hard; wherefore not to make my Discourse more rough than I need, I shall here set them together. The Authors or Writings I use, by way of Paraphrase upon the Scripture, are the *Gemara Babylo-nia*, *Midbar Rabba*, *Sepher Siphri*, *Sepher Tanchuma*, *Solomon Jarchius*, *Chiskuny*, *Abarbanel*, *Ajin Israel*, *Pesiktha Zotertha*. These and many more being for the Election of the *Sanhedrim* by the Ballot, I might have spoken them more briefly; for the truth is, in all that is *Talmudical* I am assisted by SELDEN, GROTIUS, and their Quotations out of the Rabbies, having in this Learning so little Skill, that if I mis-call'd none of them, I shew'd you a good part of my acquaintance with them.

NOR am I wedded to GROTIUS or SELDEN, whom sometimes I follow, and sometimes I leave, making use of their Learning, but of my own Reason. As to the things in this present Controversy, they were no other in *Athens* and *Rome* than they had been in the Common-wealth of *Israel*.

WHEN MOSES came to institute the Senate, he ask'd counsil of Numb. 11. v. 16, 24.
God. And the Lord said, Gather to me seventy men of the Elders of *Israel*; and MOSES went out and told the People the words of the Lord: that is, propos'd the Dictate of the supreme Legislator to the *Chirotonia* of the Congregation. What else can we make of these words of Mo-

Book II. *ses to the People? Take ye wise men, and understanding, and known among your Tribes* (καὶ καταστήσω αὐτοὺς ἐφ' ὑμῶν ἡγουμένους ὑμῶν) *and I will constitute them Rulers over you.* Now how the People could otherwise take or chuse these Rulers or Magistrates thus propos'd, than by their *Chirotonia*, let Divines—shew; or notwithstanding the constitution of MOSES, both the Senate of *Israel*, and the inferior Courts, were decreed by the *Chirotonia* of the People. For the People upon this Proposition resolv'd in the Affirmative, or *answer'd and said, The thing which thou hast spoken is good for us to do.* This then was the *Psephisma* or Decree of the People of *Israel*, whereupon says MOSES (κατέστησα αὐτοὺς ἡγούμενους) *I constituted or ordain'd them Governors.* In which example you have the three words, or the three things again; nor as to the things, is it, or ever was it, otherwise in any Common-wealth. Whence it is admirable in our Divines, who will have κατέστησα, *constituted*, to be the word of Power; that they do not see by this means they must make two Powers in the same Government; the κατέστησα or Constitution of the *Legislator*, and the *Chirotonia* or Suffrage of the People: or else say that the Common-wealth of *Israel* was instituted by the Power of the Legislator, and the Authority of the People, than which there is nothing more absurd. But the People staid not upon their first *Psephisma*, or Result, that *the thing was good for them to do*, but did accordingly. The manner of their proceeding at different times was somewhat different; for it was sometimes *viva voce*, sometimes by the Lot, without the Suffrage, and sometimes by the Ballot, which consisted not of the Lot only, but of the Suffrage. Each of these are equally popular (for neither of them gives an advantage to any Person or Party) but not equally prudent ways of proceeding; the Lot committing too much to Fortune, except in some kinds of businesses, as first in the division of Lands, whence the Suffrage was properly excluded: for the Divisions being made by three Deputies out of each Tribe, if there happen'd to fall some advantage or disadvantage to any man by the Lot, it was equal or impartial; whereas if it had fallen by the Suffrage, it must have been unequal, or partial. Such was the cause why the Lot in the Division of the Land of *Canaan* was us'd without the Suffrage. In case of a Crime committed by an unknown Author, but among many of whom some one or more must have been guilty, as in the cases of *ACHAN* and *JONATHAN*, the Lot was also us'd without the Suffrage, somewhat after the manner of Decimation in an Army, when many that are guilty throw the Dice, and he on whom the Lot falls is punish'd; yet with considerable difference, for whereas Decimation is not us'd but for punishment, where the Persons are as well known as the Guilt; this use of the Lot in *Israel* was for the discovery of the unknown Author of some known Crime, that some one of many being put to the question (who if either by his own confession, or other proof he were found guilty, was punish'd accordingly, otherwise not) Men might have less encouragement that their Crimes would be the more hidden, or less punishable for company, or the shadow of it.

WHEN the People were set upon the introduction of a new Magistracy, and car'd not at all who should be the man, as in the Election of *SAUL*, at which time the *Philistines* lay hard upon them, and they look'd upon the Ease they hop'd from a King, without coveting the trouble which he was like to have; it seems to me there was a third use of the Lot without the Suffrage. BUT

BUT that the common use of the Lot in *Israel* imply'd also the Suffrage, and was of the nature of the Ballot at this day in *Venice*, is little to be doubted; or you may satisfy your self, when you have consider'd the manner how the Senate or Sanhedrim was first elected (*καταστήσαντες*) or constituted by MOSES. Chap. 3.

UPON the *Psephisma*, or decree of the Legislator and the People, *The thing which thou hast spoken is good for us to do*, they proceeded to election of Competitors in this manner. Each of the twelve Tribes (to be hereafter as well locally, as they were yet but genealogically divided) were to make the Election, not excluding the Thirteenth, nor yet nominally taking it in; for LEVI, tho' genealogically as distinct a Tribe as any of them, yet was not design'd locally so to be, but to have the right of promiscuous Inhabiting, Cohabiting, or Marriage with all or any of the rest, and with right of Suffrage accordingly; for this cause the Tribes being Thirteen, are reckon'd but Twelve. So each of the twelve Tribes elected among themselves by their Suffrages, six wise men, and understanding, and known among them; who being elected, were written; and being written, were deliver'd each in a several Scrol to MOSES. MOSES having receiv'd all the Scrols, had seventy two Competitors, which caus'd a Fraction; for the Senate, as is plain by the Text (*gather me seventy men, that they may stand with thee*) was to consist but of Seventy with MOSES, that is, in all, of seventy one. So MOSES having two Competitors more than he needed, caus'd two Urns to be brought, into one of which he cast the seventy two Competitors, or Names written in the Scrols; and into the other seventy two Scrols, of which two were blanks, and seventy were inscrib'd with the word *Presbyter*. This being done, the whole Congregation pray'd, and when they had pray'd, gave forth their Lots.

THE Lots were given forth after this manner. First a Lot was drawn out of the Urn of the Magistracies, then another out of the Urn of the Competitors. The Competitor to whose name a Blank was drawn, departed: but he to whose name a Prize was drawn, or given forth, became a Magistrate.

THEY who had thus gain'd Magistracy were (*συγκρατησόμενοι*) by this *Psephisma* decreed to be together of the number of seventy Elders. But whereas in the Urn of Magistracies there were two Blanks, two that had been written Competitors must of necessity have fail'd of Magistracy. So ELDAD and MEDAD being of *them that were* Numb. 11.26. *written* Competitors by the Tribes, yet *went not up to the Tabernacle*; that is, attain'd not to be (*συγκρατησόμενοι*) number'd among the seventy, who were to sit in the Court of the Tabernacle; as afterwards they did in the Pavement, or stone-Chamber, in the Court of the Temple.

IN this place I shall mind you but once more of the three Words in controversy. MOSES the Legislator (*κατιστής*) constituted, the People chirotoniz'd; and that which they had chirotoniz'd, was *Psephisma*, their Decree.

THERE be in these times that are coif'd with such Opinions, that to shew Scripture to be Reason, is to make it lose weight with them; and to talk of the *Talmudists*, is to profane it: Of these I shall only desire to know how they understand that place of ELDAD and MEDAD; for if they can no otherwise make sense of it than as

Book II. I have done, it is a sufficient proof (letting the *Talmudists* go) of all that I have said. What therefore has the Hierarchy, and the Presbytery for their opinion that the Sanhedrim was instituted by the *Chirothesia*, or Imposition of Hands?

THERE is in the Old Testament no mention of laying on of Hands by way of Ordination, or Election, but only by MOSES in the designation of JOSHUA for his Successor: and in this MOSES did first as ROMULUS afterwards in the Election of the Prefect or Protector of *Rome*, but upon a far greater exigence; for the Commonwealth of *Rome*, when ROMULUS did the like, was seated or planted, but the Common-wealth of *Israel*, when MOSES did this, was neither seated nor planted, nor indeed a Common-wealth, but an Army design'd to be a Common-wealth. Now between the Government that is necessary to an Army, and that which is necessary to a Commonwealth, there is a vast difference. The Government even of the Armies of *Rome*, when she was a Common-wealth, was nevertheless Monarchical: in this regard MOSES himself exercis'd a kind of Dictatorial Power for his life; and the Common-wealth being not yet planted, nor having any Balance whereupon to weigh her self, must either have been left at his death to the care of some Man whom he knew best able to lay her Foundation, or to extreme hazard. Wherefore this Ordination, which was but accidental, regarding the present military condition of the People, MOSES most prudently distinguishes from the other; in that he shew'd them how they should manage their Common-wealth, in this he bequeaths them the Man whom he thinks the most likely to bring them to be a Common-wealth: of which judgment and undertaking of MOSES, JOSHUA the next illustrious Example, most worthily acquitted himself.

THERE is in these Elections another remarkable passage, but such a one as, being so far from political that it is supernatural, does not properly appertain to this discourse, and so I shall but point at it.

Numb. 11. When the Elders, thus chosen, were set round about the Tabernacle,
24, 25. the Lord came down in a cloud, and took of the spirit of MOSES, and gave it unto the seventy Elders; and it came to pass, that when the Spirit rested upon them, they prophesied and did not cease. So JOSHUA was full of the spirit of Wisdom, for MOSES had laid his hands upon him.

Deut. 34. 9. And PAUL minds TIMOTHY, Stir up the gift of God which is in thee by the laying on of my hands. But the *Talmudists* themselves do not pretend that their Ordination was further accompany'd with supernatural endowments than the first Institution; and if Divines were as ingenuous, no less might be acknowleg'd of theirs. MOSES was a Prophet, the like to whom has not been in *Israel*; and has there been an Apostle like PAUL in the Christian Church? Every body cannot do Miracles, we see they can't. Take heed how you deny Sense, for then bread may be flesh. If we be not to make choice of a political Institution without a miraculous test or recommendation; either kind of Ordination was at first accompany'd with supernatural Gifts, and from thenceforth, as I conceive, neither. Divines methinks as such should not be so much concern'd in the Ordination of the Sanhedrim, or of JOSHUA, who were Magistrates, as the People or the Magistrate: yet if these should hence infer that their Election, Ordination, or Designation of persons confer'd supernatural Gifts, Divines would hardly allow of it; and why are the People, or the Magistrate oblig'd to allow more to that of a Clergy? To return.

SUCH

SUCH as I have shewn was the Ordination of the Senate, or great Sanhedrim, that of the lesser Sanhedrim, or inferior Courts, was of like nature, for it follows; *I took the chief of your Tribes, wise men and known* (κατέστησα) *and made them Heads over you, Captains of thousands, and Captains of hundreds, &c.* which were other Magistrates than, according to our custom, we should readily expect to be intimated by such words, for they were the Judges of the inferior Courts, those that sat in the gates of each City, and others that appertain'd to the Villages, as in the next Verse: *And I charg'd your Judges at that time, saying, Hear the Causes, and judge righteously.*

Chap. 3.

Deut. 1. 15.

THE next Magistrate whose Election comes to be consider'd is the Dictator, or Judge of Israel. Where it is said of this People, that the Lord rais'd them up Judges, which deliver'd them out of the hands of those that spoil'd them, it is to be understood, says SIGONIUS, that God put it into the mind of the People to elect such Magistrates, or Captains over them. For example, when the Children of Ammon made war against Israel, God rais'd up JEPHTHA, whose Election was after this manner: *The Elders went to fetch JEPHTHA out of the Land of Tob, and when they had brought him to Mizpeh* (which in those days was the place, where εκκλησία Θεῷ, the Congregation of Israel usually assembled) *the People made him Head and Captain over them.* Now that the Election of the King was as much in the Chirotonia of the People, as that of the Judge, is past all controversy, seeing the Law speaking of the People says thus: *One from among thy Brethren shalt thou set King over thee;* and accordingly when the Government was chang'd to Monarchy, it was not SAMUEL, but the People that would have it so; thus SAUL was chosen King by the Lot. Where the contradiction of GROTIUS is remarkable, who in this place to shew that the Lot is of Popular Institution, quotes ARISTOTLE; and yet when he comes to speak of the Lots that were cast at the Election of MATTHIAS, says it was *that it might appear not whom the Multitude, but whom God had ordain'd;* as if the Magistrate lawfully elected by the People, were not elected by God, or that the Lot which thus falls into the lap were not at the disposing of the Lord. But if the League by which the People receiv'd DAVID into the Throne, or the Votes by which first the People of Jerusalem, and afterwards the Congregation of Israel (as was shewn in the former Book) made SOLOMON King, were of the Lord; then Election by the People was of the Lord, and the Magistrate that was elected by the Chirotonia of the People, was elected by the Chirotonia of God: for as the Congregation of Israel is call'd in Scripture (εκκλησία Θεῷ) the Ecclesia or Congregation of God; so the Chirotonia of this Congregation is call'd by JOSEPHUS (Θεοῦ χειροτονία) the Chirotonia of God, who as I noted before out of CAPELLUS, was in this Common-wealth Political King, or Civil Legislator (Sans comparaison) as SOLON in Athens, and ROMULUS in Rome; that is to propose to the People (*Hæc est lex quam MOSES proposuit*) and whatever was propos'd by God, or the lawful Magistrate under him, and chirotoniz'd or voted by the People, was Law in Israel, and no other. Nay, and the People had not only power to reject any Law that was thus propos'd, but to repeal any Law that was thus enacted: for if God intending Popular Government should have ordain'd it otherwise, he must have contradicted himself;

Ver. 10.

Judg. 2. 16.
De Rep. Heb.

Judges 11.

Deut. 17. 15.

Arist. Pol.
B. 6. c. 2.

De Imp. S. P.
c. 10.

Judges 20.

Jos. 1. 4.

Book II. himself; wherefore he plainly acknowledges to them this power, where (Θεὸν ἀποχειροτονοῦσι τῆς βασιλείας) *they rejected him* (whom they had formerly chirotoniz'd or chosen King) *that he should not reign over them*; and elected SAUL. This if God had withstood by his Power, he must have introduc'd that kind of Monarchy which he had declar'd against; wherefore he chose rather to abandon this sottish and ingrateful People to the most inextricable yoke of deserv'd slavery, telling them, when he had warn'd them and they would not hear him, that *they should cry to him and he would not hear them*, one title of whose words pass'd not unfulfill'd.

Josephus, l. 6.
c. 5.

BY this time I have shewn that all the Civil Magistrates in *Israel* were chosen by the *Chirotonia* of the People, or, to follow JOSEPHUS, by the *Chirotonia* of God, which is all one; for the *Chirotonia* of the President of the Congregation, as I have instanc'd in that of the *Proedri*, of the *Thesmothetæ*, of the Consuls, of the Tribunes, and the *Chirotonia* of the Congregation is the same thing; and of the Congregation of *Israel* God, except only at the voting of a King, was President.

TO come then from the Civil Magistrates to the Priests and Levites, these were chosen in two ways, either by the Lot, or by the *Chirotonia*.

Numb. 16.
Josephus l. 4.

THE office and dignity of the High Priest being the greatest in *Israel*, and by the institution to be hereditary, caus'd great disputes in the Election: to this MOSES by the command of God had design'd AARON his Brother; which Designation, the Command of God being at first either not so obvious as that relation, or the ambition of others so blind that they could not or would not see it, caus'd great combustion. First, thro' the conspiracy of KORAH, DATHAN, and ABIRAM; and next by the murmuring of the Princes of the Tribes, all emulous of this Honour. KORAH being not only a great man, but of the Tribe of *Levi*, could not see why he was not as worthy of the Priesthood, consideration had of his Tribe, as AARON; and if any other Tribe might pretend to it, DATHAN and ABIRAM, being descended from REUBEN were not only of the elder House, but troubl'd to see a younger prefer'd before them. Wherefore these having gain'd to their party three hundred of the most powerful men of the Congregation, accus'd MOSES of affecting Tyranny, and doing those things which threaten'd the Liberty of the Commonwealth; as under pretence of Divination to blind the eyes of the People, preferring his Brother to the Priesthood without the Suffrage of the Congregation: of which charge MOSES acquitting himself in the Congregation, tells the People that AARON *was chosen both by God, and* (κατὰ τὴν ὑμετέραν γνώμην αὐτοῦ τυγχάνων) *by their Suffrages*, which (KORAH being upon this occasion miraculously destroy'd) were thereupon once more given by the People. Nevertheless the Princes of the Tribes continuing still discontented, and full of murmur, God decided the Controversy by a second miracle, the budding of AARON's Rod: (and so καὶ ὁ μὲν τῶν αὐτῶν τοῦ Θεοῦ χειροτονησάτος ἐσθλῶς ἔλαχε τὴν τιμὴν) *being thrice confirm'd by the Chirotonia of God, he was confirm'd in that honour*. Now that the *Chirotonia* of God in this place of JOSEPHUS signifies the *Chirotonia* of the People, is plain by that in Scripture, where they made SOLOMON King, and ZADOCK to be Priest. After the Captivity, as in

1 Chron. 29.
22.

in other things, so in this power the Sanhedrim came, as I conceive, to over-reach the People: JOSHUA the Son of JOSEDECH being thus elected High Priest by the Sanhedrim, and this Honour thenceforth (as appears by MAIMONIDES) being at the disposing of this Court. Nor could any inferior Priest serve at the Altar, except he had acquir'd that right by the Lot, as is not only deliver'd by the same Author, and by JOSEPHUS, but in Scripture. Now the Lot, as was shewn, giving no Prerogative either to any person or Party, is as popular an Institution as the *Chirotonia*. So in election of Priests, the Orders of *Israel* differ'd not from human Prudence, nor those of other Commonwealths, the Priest of JUPITER having been elected after the same manner in the Common-wealth of *Syracusa*; the *Augustales*, and the *Vestals* in that of *Rome*: and if the right of bearing holy Magistracy, being in *Israel* confin'd to one Tribe or Order, may seem to make any difference, it was for some time no otherwise in *Athens*, nor in *Rome*, where the Patricians or Nobility assum'd these Offices, or the greatest of them to themselves, till the People in those Cities disputed that Custom, as introduc'd without their consent, which the People of *Israel* could not fairly do, because it was introduc'd by their consent.

TO come to the *Levites* in their original Ordination, God commanded MOSES saying, *Thou shalt bring the Levites before the Tabernacle of the Congregation, and thou shalt gather the whole assembly of the Children of Israel, and they shall put their hands upon the Levites.* This in the sound of the words may seem to imply the *Chirothesia*, or Imposition of Hands, but take heed of that; Divines will not allow the *Chirothesia* to be an Act of the People; but in this proceeding the whole people acted in the Ordination of the *Levites*, wherefore the *Levites* also were ordain'd by the *Chirotonia*, Consent, Vote, or Suffrage of the whole People imply'd in this action. But for the Ordination of Priests and Levites, whatever it was, it is not to the present purpose; Divines deriving not theirs from Priests and Levites, but from Dukes, Generals and Magistrates, from that of JOSHUA and of the Sanhedrim, always provided, that this were of the same nature with the former, that is, by the *Chirothesia*, or Imposition of hands, and not by the *Chirotonia* of the People. However the Ordination of the Magistracy was certainly Political; and so in this deduction they themselves confess that their Ordination also is a Political Constitution: yet whereas MOSES is commanded by God to bring AARON and his Sons to the door of the Tabernacle of the Congregation, and having wash'd them there, to adorn them with the Priestly Robes, with the Miter, and to anoint them; whereas he is commanded (the Children of *Israel* having first laid their Hands upon the *Levites*) to cleanse them, and offer them for an Offering; Divines of the Hierarchy and the Presbytery (tho' it be otherwise with WALLÆUS and such as acknowledge Popular Government) give the Congregation, or Consent of the People for nothing, and put the whole Ordination of the Priests and Levites upon the washing and cleansing, or other Ceremonies of Consecration: as if to put the Ordination of SAUL upon the Ceremony of anointing by SAMUEL, tho' perform'd by the immediate Command of God, were not absolutely contradictory to Scripture, and to the known Law of *Israel*, which speaking of the People, expressly says, *One from among thy Brethern shalt thou set King over thee;*

Chap. 3.

Grot. ad
Hag. 1. 1.
Joseph. de Bel.
Jud. 1. 4.
Maimon.
Hal. Cele
Hamikdash,
cap. 4, & 5.
2 Chron. 24.
5. & 25. 8. &
26. 13.

Numb. 8. 9, 10

Exod. 29.

Numb. 8.

Book II.
 Philo de inst.
 principis.

upon which place says PHILO, *Most wise MOSES never intended that the Royal Dignity should be acquir'd by lot, but chose rather that the Kings should be elected by the Chirotonia, or Suffrage of the whole People. The Congregations of the People assembl'd upon this as upon other public affairs, and requir'd a sign or confirmation from God: forasmuch as by his will man is to the rest of Nature, what the Face is to the Body.* Whereto agrees that of the Heathens, *Os homini sublime dedit, Cælumque tueri jussit*, and their Divinations upon the like occasions by Intrals, none of which were ever understood as destructive of the liberty of the People, or of the freedom of their *Chirotonia*.

WHERE SOLOMON is made King, and ZADOCK Priest by the People, tho' the Ceremony of anointing was doubtless perform'd, and perhaps by the prophet NATHAN, it is wholly omitted in the place as not worth the speaking of. The opinion that the Ordination of the Priests and Levites lay in the Ceremonies of their Consecration, is every whit as sober and agreeable to reason, as if a man should hold the Kings of *England* to have been made by the Unction of the Bishops. *Israel* from the Institution of MOSES to the Monarchy, was a Democracy, or Popular Government; in Popular Government the Consent of the People is the Power of the People, and both the Priests and Levites were ordain'd by the Consent of the People of *Israel*.

Ditm. c. 10.

TO bring these things to the Cities in the perambulation of the Apostles, which by the former Chapter I have prov'd to have been Popular Governments; it is acknowledg'd by GROTIUS to the Cities of *Asia*, not only that they us'd the *Chirotonia*, but in the strictest sense of the word, that is, to give their Suffrage by the holding up of Hands. And that they had the liberty of their Religion, the choice of their Magistrates, both Civil and Ecclesiastical in their *Ecclesiæ*, or Congregations, has been also undeniably evidenc'd; whence it must needs follow that there were Cities in *Asia* (*ἐκκλησιάζοντες αὐτοῖς ἀρχιερεῖς καὶ ἐκκλησιασται*) *chirotonizing or ordaining them Elders*, that is, Magistrates and Priests in every Congregation (with Reverence be it spoken) long before CHRIST was in the flesh, or the Apostles any of them were born. Wherefore to sum up what in this Chapter I conceive to be sufficiently prov'd, I may boldly conclude, *That the Chirotonia derives from popular Constitution, and that there was a way of Ordination by the Chirotonia.*

CHAP. IV.

The deduction of the Chirothesia from Monarchical or Aristocratical Government, and of the second way of Ordination from the Chirothesia. In which is contain'd the Common-wealth of the Jews as it stood after the Captivity.

WHAT pleases the Prince, says JUSTINIAN, has the force of a Law, seeing the People in his Creation have devolv'd their whole Power upon his Person; which is with the most. But when Popular Government is chang'd into Monarchical, either the whole Power of the People, or a great part of it must of necessity accrue to the King.
 Hence

Hence says SAMUEL, *he will appoint him Captains over Thousands, and Captains over Fifties*: in which words perhaps is intimated the Judges of the inferior Courts, or *Jethronian Prefectures*; so that here-
 by SAMUEL tells the People they shall no more have the Election of their Rulers, but the King will have it; who, it may be, chang'd the nature of some of these Magistracies, or added others: for when DAVID came to reign over all Israel, JOAB was over the Host (his Strategus or General) JEHOSHAPHAT was Recorder, ZADOC and ABIMELEC were the Priests, SERAIAH was the Scribe, and BENAIAH was over the Pelethits, and the Cherethits; that is, was Captain of his Regiments of Guard, call'd perhaps by these names, as those of ROMULUS were called *Celeres*. But it should seem that few or none of these Officers were elected by the *Chirotonia*, that is by the People, but by the Prince, which kind of Election, as will be shewn anon, may be call'd *Chirothesia*. For the deduction of this kind of Ordination, or Election, we shall do well to hearken first to Dr. HAMMOND; who in his Query, or Discourse concerning Ordination by the Imposition of Hands, puts it thus. *To lift up the Hands was a Ceremony in Prayer, and accordingly to lay hands on any (differing no otherwise from lifting up, than by the determining that Action to a peculiar Object, the Person that was pray'd for) was generally among the Jews a Ceremony of benediction us'd first by the Father to the Children, in bestowing the Blessing upon them (and with that the succession to some part of his Estate or Inheritance) as appears in JACOB's blessing the Children of JOSEPH: he stretch'd out his right hand, and laid it upon EPHRAIM's head, and his left hand on MANASSES, and so he blest'd, &c. From thence it was accommodated among them to the communicating of any part of Power to others as assistants, or to the deriving of any successive Office from one to another. Thus when MOSES had from Heaven receiv'd, and long us'd his Commission to be under God the Ruler of the People, the seventy Elders were by God's appointment assum'd to assist him: it being certain from the Jewish Writings, tho' the sacred Scripture has no occasion to mention it, that the succession of the seventy Elders, under the name of Sanhedrim or Council, was continu'd thro' all Ages by their creating others in the place of those that dy'd, by this Ceremony of Imposition of Hands. To this purpose are the clear words of MAIMONIDES: MOSES our Master created the seventy Elders by Imposition of hands, and the Divine Majesty rested on them; and those Elders impos'd Hands on others, and others on others, &c. So a little before the departure of MOSES out of this life, when a Successor was to be provided for him, God commands him to take JOSHUA, and lay his hands upon him. And MOSES laid his hands upon him, and gave him a Charge as the Lord commanded by the hand of MOSES: that is, deriv'd to him by this Ceremony the Authority which himself had, and constituted him his Successor in that Government. And so it is repeated, JOSHUA was full of the spirit of Wisdom, for MOSES had laid his Hands upon him.*

Chap. 4.

1 Sam. 8. 12.

2 Sam. 8. 15.

§. 10.

Exod. 17. 11.

Gen. 48. 14.

Numb. 11. 17.

Tit. Sanhed.

c. 4.

Numb. 27. 18,

23.

Deut. 34. 9.

THIS is the Doctor's deduction of the *Chirothesia*, or Ordination by the laying on of Hands, from the Common-wealth of Israel: and, says he, *from the three Uses of this Ceremony there, that is, first in praying for another: secondly, in paternal benediction; thirdly, in creating Successors in power, either in whole, or in part, derive three sorts of things in the New Testament, to which this Ceremony of laying on of Hands is accom-*

Book II.
 Philo de inst.
 principiis.

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TO bring these things to the Cities in the perambulation of the Apostles, which by the former Chapter I have prov'd to have been Popular Governments; it is acknowledg'd by GROTIUS to the Cities of *Asia*, not only that they us'd the *Chirotonia*, but in the strictest sense of the word, that is, to give their Suffrage by the holding up of Hands. And that they had the liberty of their Religion, the choice of their Magistrates, both Civil and Ecclesiastical in their *Ecclesiæ*, or Congregations, has been also undeniably evidenc'd; whence it must needs follow that there were Cities in *Asia* (*εὐπορευόμενοι αὐτοῖς πρεσβυτέρους καὶ ἐκκλησίαν*) *chirotonizing or ordaining them Elders*, that is, Magistrates and Priests in every Congregation (with Reverence be it spoken) long before CHRIST was in the flesh, or the Apostles any of them were born. Wherefore to sum up what in this Chapter I conceive to be sufficiently prov'd, I may boldly conclude, *That the Chirotonia derives from popular Constitution, and that there was a way of Ordination by the Chirotonia.*

C H A P. IV.

The deduction of the Chirothesia from Monarchical or Aristocratical Government, and of the second way of Ordination from the Chirothesia. In which is contain'd the Common-wealth of the Jews as it stood after the Captivity.

WHAT pleases the Prince, says JUSTINIAN, has the force of a Law, seeing the People in his Creation have devolv'd their whole Power upon his Person; which is with the most. But when Popular Government is chang'd into Monarchical, either the whole Power of the People, or a great part of it must of necessity accrue to the King. Hence

Hence says SAMUEL, *he will appoint him Captains over Thousands, Chap. 4. and Captains over Fifties:* in which words perhaps is intimated the Judges of the inferior Courts, or *Jethronian Prefectures*; so that here-
by SAMUEL tells the People they shall no more have the Election of their Rulers, but the King will have it; who, it may be, chang'd the nature of some of these Magistracies, or added others: for when DAVID came to reign over all Israel, JOAB was over the Host (his Strategus or General) JEHOSEPHAT was Recorder, ZADOC and ABIMELEC were the Priests, SERAIAH was the Scribe, and BENAIAH was over the Pelethits, and the Cherethits; that is, was Captain of his Regiments of Guard, call'd perhaps by these names, as those of ROMULUS were called *Celeres*. But it should seem that few or none of these Officers were elected by the *Chirotonia*, that is by the People, but by the Prince, which kind of Election, as will be shewn anon, may be call'd *Chirothesia*. For the deduction of this kind of Ordination, or Election, we shall do well to hearken first to Dr. HAMMOND; who in his Query, or Discourse concerning Ordination by the Imposition of Hands, puts it thus. *To lift up the Hands was a Ceremony in Prayer, and accordingly to lay hands on any (differing no otherwise from lifting up, than by the determining that Action to a peculiar Object, the Person that was pray'd for) was generally among the Jews a Ceremony of benediction us'd first by the Father to the Children, in bestowing the Blessing upon them (and with that the succession to some part of his Estate or Inheritance) as appears in JACOB's blessing the Children of JOSEPH: he stretch'd out his right hand, and laid it upon EPHRAIM's head, and his left hand on MANASSES, and so he blest'd, &c. From thence it was accommodated among them to the communicating of any part of Power to others as assistants, or to the deriving of any successive Office from one to another. Thus when MOSES had from Heaven receiv'd, and long us'd his Commission to be under God the Ruler of the People, the seventy Elders were by God's appointment assum'd to assist him: it being certain from the Jewish Writings, tho' the sacred Scripture has no occasion to mention it, that the succession of the seventy Elders, under the name of Sanhedrim or Council, was continu'd thro' all Ages by their creating others in the place of those that dy'd, by this Ceremony of Imposition of Hands. To this purpose are the clear words of MAIMONIDES: MOSES our Master created the seventy Elders by Imposition of hands, and the Divine Majesty rested on them; and those Elders impos'd Hands on others, and others on others, &c. So a little before the departure of MOSES out of this life, when a Successor was to be provided for him, God commands him to take JOSHUA, and lay his hands upon him. And MOSES laid his hands upon him, and gave him a Charge as the Lord commanded by the hand of MOSES: that is, deriv'd to him by this Ceremony the Authority which himself had, and constituted him his Successor in that Government. And so it is repeated, JOSHUA was full of the spirit of Wisdom, for MOSES had laid his Hands upon him.*

1 Sam. 8. 12.

2 Sam. 8. 15.

§. 10.

Exod. 17. 11.

Gen. 48. 14.

Numb. 11. 17.

Tit. Sanhed. c. 4.

Numb. 27. 18, 23.

Deut. 34. 9.

THIS is the Doctor's deduction of the *Chirothesia*, or Ordination by the laying on of Hands, from the Common-wealth of Israel: and, says he, *from the three Uses of this Ceremony there, that is, first in praying for another: secondly, in paternal benediction; thirdly, in creating Successors in power, either in whole, or in part, derive three sorts of things in the New Testament, to which this Ceremony of laying on of Hands is accom-*

Book II. *accommodated. That of Prayer simply taken was of two sorts, either for the cure of Diseases, or pardoning of Sins. For Diseases: They shall*
 Mar. 16. 18. *lay hands on the sick, and they shall recover. For Sins they were done away also by this Ceremony in the absolution of Penitents, to which belongs*
 1. Tim. 5. 22. *that Exhortation of PAUL to TIMOTHY, Lay hands suddenly on no man, that is, not without due examination and proof of his Penitence, lest thou be partaker of other men's Sins. From the second, that of Pa-*
 Mar. 10. 16. *ternal Benediction, was borrow'd, first that of blessing Infants with the Ceremony of Imposition of Hands, as it differ'd from Baptism. And secondly, that of confirming those of fuller age, that had been formerly baptiz'd. Lastly, to the creating Successors in any Power, or communicating any part of Power to others, as to Assistants, is answerable that Imposition of Hands in Ordination so often mention'd in the New Testament, sometimes*
 Acts 6. 6. *in the lower degree, as in the ordaining of Deacons, elsewhere in the highest degree, setting Governors over particular Churches, as generally when by that laying on of Hands it is said, they receiv'd the Holy Ghost; whereas the Holy Ghost contains all the *χρησματα* requir'd to the pastoral*
 Luke 24. 49. *Function, and so signifies Power from on high: the Authority and Function it self, so it be given by Imposition of Hands, makes the parallel exact between this of Christian Ordination, and that observ'd in the creating Successors in the Jewish Sanhedrim. So far the Doctor.*

Deut. 1. *NOW say I, if the Scripture be silent as to the Ordination of the Elders in Israel, what means that place; Take ye wise men, and understanding, and known among your Tribes, and I will make them Rulers over you? Once in their lives let them give us the sense of it, or of that*
 Numb. 11. *other, where ELDAD and MEDAD are of those that were written, and yet went not up to the Tabernacle: Otherwise that we hear no more of these, is from the silence of Divines, and not of the Scripture. But if the Scripture be not silent in this point, is there not a great deal of fancy in going on to cure the Sick, to pardon Sins, to bless Infants, confirm the Baptiz'd, ordain Ministers, nay, give the Holy Ghost, and all the Graces belonging to the pastoral Function, from a place that has no such thing in it? for if the Sanhedrim according to Scripture were not ordain'd by the *Chirothesia*, there is no such thing to be deriv'd by the *Chirothesia* from the Sanhedrim. The first *Chirotonia* indeed of the Sanhedrim was accompany'd with miraculous endowments; wherefore if they will derive these Gifts and Graces from the Sanhedrim, why are they sworn Enemies to the *Chirotonia*? Again, the Sanhedrim was a Civil Court or Senate; wherefore then by this Title should not these Gifts and Graces be rather pretended to by the Civil Magistrate, than by Divines? what becomes of the Priest AARON and his Lots? is he left to the Civil Magistrate, while Divines derive themselves from General JOSHUA and his *Chirothesia*? But if the Sanhedrim and inferior Judicatories were otherwise ordain'd originally; then no Magistrate in Israel was originally ordain'd by the *Chirothesia*, but only JOSHUA. It is admirable that Divines should look upon God, as if in the institution of a Common-wealth he had no regard at all to human Prudence, but was altogether fix'd upon their vain advantages. Who made human Prudence? or to what end was it made? Any man that understands the Politics, and considers that God was now proceeding according to this Art (as in his constitution of the Senate, and of the People or Congregation, is most obvious) must needs see that this Power he indulg'd to MOSES of making his own choice of one man,*

man, could not possibly be intended as a permanent Constitution; Chap. 4. for whereas he intended Popular Government, nothing is plainer than that a People not electing their own Magistrates can have no Popular Government. How absurd is it to conceive that God having already made an express Law, that the People if at any time they came under Monarchy, should yet have the election of their King, would now make a Law that the People being under a Common-wealth, should no longer have the election of their Magistrates? For who sees not that to introduce the *Chirothesia* as a standing Ordinance, had been to bar the People of this power? *Israel* at this time, tho' design'd for a Common-wealth, had no Land, no foundation to balance her self upon, but was an Army in a Wilderness, compass'd about with Enemies. To permit to the People in this case, the choice of all their Civil Magistrates was nevertheless safe enough, nay best of all: for at the election of *wise men, and understanding, and known among their Tribes*, so far as was needful to civil administration, their skill must needs have been at any time sufficient; but the Common-wealth was yet in absolute necessity of a Protector, and of Dictatorian Power. Now to know who was fittest in this case to succeed MOSES, required the Wisdom of God, or of MOSES; and therefore was not yet safe to be ventur'd upon a People so new in their Government. For these reasons, I say, MOSES us'd the *Chirothesia* for once, and no more; or let them shew me among all the Dictators, Judges, or Kings, that succeeded JOSHUA, any one that was chosen by the *Chirothesia*, and be all Dictators. It is now above three thousand Years since the institution of the Sanhedrim, from which time the ambitious Elders first, then the Talmudists, and of latter ages Divines have been perpetually striving for, or possessing themselves of this same Oligarchical Invention of the *Chirothesia* pretended to be deriv'd from MOSES; tho' there be neither any such Precept of God or Christ in the Old or New Testament, nor any unanimous result upon the point, either by the Talmudists or Divines themselves. And for the clear words quoted by the Doctor out of MAIMONIDES, they are such to which I shall in due time shew MAIMONIDES to be elsewhere of a clear contrary Opinion. But in this Controversy, without some clearer deduction of the *Chirothesia*, we shall make no happy progress; in this therefore I shall follow SELDEN the ablest Talmudist of our age, or of any.

THE Common-wealth of *Lacedemon* (if I could stand to shew it) has strange resemblances to that of *Israel*, not only in the Agrarian, which is nothing to the present purpose, but in the Senate, which to prevent catching another time, I do not say was a Judicatory only, but not only a Senate, but a Judicatory also. For LYCURGUS of all other Legislators was in this the likeliest to God, or to MOSES, that his work was so exquisitely perfected at once, and his Laws so comprehensive, that if the Senate had had no other function than to make or propose new Laws, there being little or nothing of that wanting, they would have had little or nothing to do. Now it being thus, and much more than thus in *Israel*, the Sanhedrim was not only the Senate, but the supreme Judicatory. And because one Court in a Territory of any Extent is no where sufficient to this end; therefore the Sanhedrim had divers branches distended not only to the Cities of *Judea*, but even to the Villages; these were call'd the *Lesser Sanhedrim*, or the *Jethro-nian Prefectures*.

Book II. THE Great Sanhedrim consisting, as has been shewn, of 70 Elders, sat first in the Tabernacle, and afterwards in the Court of the Temple.
 Selden de Syn.

THE *Jethronian* Prefectures consisted some of three and twenty Elders, and others but of three. Of the former kind there were two in the gates of the Temple, and one sitting in the gates of every City; of the latter there was one almost in every Village.

THE power of the *Jethronian* Court, consisting of twenty three Elders, was in matter of Judicature equal with that of the great Sanhedrim, only in cases of Difficulty they observed this Precept. *If there arise a matter too hard for thee in judgment between Blood and Blood, between Plea and Plea, between Stroke and Stroke, being matter of Controversy within thy gates; then shalt thou arise and get thee up into the place which the Lord thy God shall choose* (in the future, for the Common-wealth was yet but designed, not planted) *and thou shalt come to the Priests and the Levites, and to the Judge that shall be in those Days, and inquire, and they shall shew thee the Sentence of Judgment:* That is, thou shalt consult the Sanhedrim, or if there be no Sanhedrim, the *Suffes* or Judge of *Israel*. The Reason why the Sanhedrim in this Text is mention'd under the name of the *Priests* and *Levites* is, that these about the Beginning of this Common-wealth having (as were also the *Egyptian* Priests at the same time) been the learnedest Men, whether for Lawyers, or Physicians, there were scarce any other chosen into the Sanhedrim, tho' towards the latter end it happened to be far otherwise. For whereas sacrificing was feasting, the Priests enjoying a fat Idleness, became in latter times so heavy, that as to the Election of the Sanhedrim not only the *Levites* of inferior rank were upon the matter wholly laid by, but the High-priest himself sometimes omitted, the rest of the Tribes far excelling this in Learning.

THE power of the *Triumvirates*, or the three Judges in the Villages extended no farther than to inflict stripes to a certain number, and pecuniary mulcts to a certain sum. These possibly had the same recourse upon occasion of difficulty to the Judges in the Gates, as the Judges in the Gates had to the Sanhedrim: but their power is not so much to the present purpose, which regards only their manner of Election. This having been institutively exercis'd as has been shewn by the *Chirotonia*, or Ballot of the People, came sooner or later (I find no man that can resolve upon the certain time) to the *Chirothesia*. For tho' when a Judge in the Gates was dead, that Court elected his Successor out of their Disciples (each Court in the Gates had 99 Disciples that were their constant Auditors) or out of the *Triumvirates*; and when an Elder of the Sanhedrim dyed, the Sanhedrim elected his Successor out of the Courts in the Gates, more particularly those in the Gates of the Temple by Suffrages; yet no Man was capable of being elected into any of these Courts that was not a Presbyter, nor could any man confer the *Chirothesia* that had not first received it, or been so ordained a Presbyter himself: nor tho' he were so ordained, could he confer the like Ordination, but in the presence of two others, whether ordained or not ordained: and no ordination could be confer'd but either this way, or by some one of the Judicatories. The manner how this Ordination was confer'd, if the party were present, was either by laying on of Hands, or by saying a Verse or Charm; or if he were absent, by a Letter, or Patent.

Mikotzi Mifna
Gemara.

Abr. Zacuth.
Maimonides.

A N Elder thus ordain'd was call'd *Rabbi*, might have Disciples, teach, practise, or expound the Law, declare what was thereby free or forbidden (which with them was call'd *binding and loosing*) ordain others with the assistance mention'd, or be capable of Election into some one, or any Court of Justice, according to the nature of his Ordination, the Conditions mentioned at the conferring of the same, or *the gift that was in him by the laying on of the hands of the Presbytery*; which in some extended no farther than to shew how Meat should be kill'd and dress'd, how Uncleaness should be purify'd, what were Vices of the Body, what might be eaten or drunk, and what not; in others it extended to some one or more, or the Faculties express'd: But I am inclining to believe that a plenary Ordination us'd not to be confer'd but by the great Sanhedrim, or at least some one of the *Jethro-nian Courts*.

Chap. 4.

Rab. Jonah.
Rab. Nathan.

THEY us'd also to confer this Ordination some time occasionally, and for a Season in this manner. *Receive the gift of judiciary Ordination, or the right of binding and loosing, till such time as you return to us in the City.* Where the Christian *Jews* still following their former Customs in higher matters, as the observation of the Sabbath, and of Circumcision even to such a Degree, that PAUL not to displease them took TIMOTHY and circumcis'd him, seem to me to have follow'd this custom, who when the Prophets at *Antioch* had informed them that PAUL and BARNABAS were to be separated to an extraordinary work, laid their hands upon them and sent them away: for otherwise as to Ordination PAUL and BARNABAS had that before; at least PAUL by ANANIAS, and for any such Precept in the Christian Religion there was none.

Maimon. Tit.
San. cap. 4.

Acts. 13. 3.

Acts 9. 17.

JOSEPHUS, PHILO, and other Authors that tell us the Common-wealth of *Israel* was an Aristocracy, look no further than the introduction of the *Chirothesia* by the Presbyterian Party, which must have taken date some time after the Captivity, or the restitution of the Common-wealth by EZRA, there being not one syllable for it in Scripture, but enough to the contrary, seeing God introduc'd the *Chirotonia*. By which it is demonstrable that a Presbyterian Party may bring a Popular Government to Oligarchy, and deface even the work of God himself, so that it shall not be known to after ages; as also that Ecclesiastical Writers (for such are the *Talmudists*) may pretend that for many hundred years together, as Divines also have done, to be in Scripture, which neither is, nor ever was there. But have I yet said enough to shew that Ordination, especially as in this Example, not of a Clergy, but of a Magistracy, whether by the *Chirotonia*, or *Chirothesia*, is a Political Institution? or must I rack my brains for Arguments to prove that an Order or a Law having such influence upon the Common-wealth, that being introduc'd or repeal'd, it quite alters the whole frame of the Government, must needs be of a political nature, and therefore not appertain to Divines, or to a Clergy, but to the Magistrate, unless their Traditions may be of force to alter the Government as they please? All is one, they can abate nothing of it, let what will come of the Government, the *Chirothesia* they must and will have. Then let them have Monarchy too, or Tyranny; for one of these, according as the balance happens to stand with or against their *Chirothesia*, is the certain consequence; either Tyranny as in *Israel*, or Monarchy as in the Papacy, and, from that or the like Principle, in all

Gothic

Book II. *Gothic Empires*: which Examples, to begin with *Israel*, well deserve the pains to be somewhat more diligently unfolded.

Maimon. Tit.
San. cap. 4.

ALL Elections in *Israel*, save those of the Priests who were eligible by the Lot, being thus usurp'd by the Presbyterian Party, and the People by that means devested of their *Chirotonia*; some three hundred years before CHRIST, HILLEL Senior High Priest, and Archon, or Prince of the Sanhedrim, found means to draw this Power of Ordination, in shew somewhat otherwise, but in effect to himself, and his *Chirothesia*: for by his influence upon the Sanhedrim it was brought to pass, that whereas formerly any man ordain'd might, in the manner shewn, have ordain'd his Disciples; it was now agreed that no man should be ordain'd without the Licence of the Prince, and that this Power should not be in the Prince, but in the presence of the Father of the Sanhedrim, or Speaker of the House. Thus the Aristocracy of *Israel* becoming first Oligarchical, took (according to the nature of all such Governments) long steps towards Monarchy, which succeeding in the *Asmonean* Family, commonly call'd the *Maccabees*, was for their great merit, in vindicating the *Jews* from the Tyranny of ANTIOCHUS, confirm'd to them by the universal consent and *Chirotonia* of the People. Nevertheless to him that understands the Orders of a Common-wealth, or has read the *Athenian*, *Lacedemonian*, or *Roman* Story, it will be plain enough that but for their Aristocracy they needed not to have been so much beholden to, or to have stood so much in need of one Family. It is true, both the merit of these Princes, and the manner of their free Election by the People, seem to forbid the name of Tyranny to this Institution: but so it is that let there be never so much Merit in the Man, or Inclination of the People to the Prince, or the Government that is not founded upon the due balance, the Prince in that case must either govern in the nature of a Common-wealth, as did those of this Family, reforming the policy after the *Lacedemonian* Model; or turn Tyrant, as from their time, who liv'd in the Age of the *Grecian* Monarchy, did all their Successors, till under the *Romans* this Nation became a Province: From which time such Endeavours and Insurrections they us'd for the recovery of their antient Policy, that under the Emperor ADRIAN (who perceiv'd at what their Ordination, being not of Priests, but of Magistrates, and of a Senate pretending to Sovereign Judicature and Authority, seem'd to aim) there came, says the *Talmud*, against the Israelites an *Edict out of the Kingdom of the Wicked* (meaning the *Roman Empire*) whereby whosoever should ordain, or be ordain'd, was to be put to death, and the School or City in which such an Act should be done, to be destroy'd: whereupon Rabbi JEHUDA BEN BABA (lest Ordination should fail in *Israel* went forth, and standing between two great Mountains, and two great Cities, and between two Sabbath-days journies from Osa and Sephara, ordain'd five Presbyters. For this Feat the Rabbi is remembr'd by the *Talmudists* under the name of Ordinator; but the same, as it follows, being discover'd by the *Roman* Guards, they shot his Body thro' with so many Darts, as made it like a Sive: Yet staid not the business here, but so obstinate continu'd the *Jews* in the Superstition to which this kind of Ordination was now grown, that whereas by the same it was unlawful for them to ordain in a foreign Land, and at home they could not be brought to abstain, the Emperor banish'd them all out of their own

own Country; whence happen'd their total Disperſion. That of a thing which at the firſt was a mere deluſion, ſuch Religion ſhould come in time, and with education to be made that not only they who had receiv'd advantage could ſuffer Matrydom, but they that had loſt by it, would be utterly loſt for it, were admirable in the caſe of this People, if it were not common in the caſe of moſt in the World at this day: Cuſtom may bring that to be receiv'd as an Ordinance of God, for which there is no colour in Scripture. For to conſult MAIMONIDES a little better upon this point: *Whereas, ſays he, they grant, in caſe it ſhould happen that in all the Holy Land there remain'd but one Presbyter, that Presbyter, aſſiſted by two other Iſraelites, might ordain the ſeventy, or great Sanhedrim, and the Sanhedrim ſo conſtituted might conſtitute and ordain the leſſer Courts, I am of opinion that were there no Presbyter in the Land, yet if all the wiſe men of Iſrael ſhould agree to conſtitute or ordain Judges, they might do it lawfully enough. But if ſo, then how comes it to paſs that our Anceſtors have been ſo ſolicitous, leſt Judicature ſhould fail in Iſrael? Surely for no other cauſe than that from the time of the Captivity the Iſraelites were ſo diſperſed that they could not upon like occaſions be brought together.* Now I appeal whether the clear Words of MAIMONIDES, where he ſays, *that our Maſter MOSES ordain'd the Sanhedrim by the Chirotheſia*, be not more clearly and ſtrongly contradicted in this place, than affirm'd in the other, ſince acknowledging that if the People could aſſemble, they might ordain the *Sanhedrim*, he gives it for granted, that when they did aſſemble, they had Power to ordain it; and that MOSES did aſſemble them upon this occaſion, is plain in Scripture. Again, if the power of Ordination falls ultimately to the People, there is not a ſtronger argument in Nature that it is thence primarily deriv'd. To conclude, the *Chirotheſia* of the Presbyterian Party in *Iſrael* is thus confeſs'd by the Author no otherwiſe neceſſary, than thro' the defect of the *Chirotonia* of the People: which Ingenuity of the *Talmudiſt*, for any thing that has yet paſt, might be worthy the imitation of Divines.

Chap. 4.

Halac. San.
C. 4. S. 11.

IN tracking the *Jews* from the reſtitution of their Common-wealth after the Captivity to their diſperſion, it ſeems that the latter Monarchy in *Iſrael* was occaſion'd by the Oligarchy, the Oligarchy by the Ariſtocracy, and the Ariſtocracy by the *Chirotheſia*; but that this Monarchy, tho' erected by magnanimous and popular Princes, could be no leſs than Tyranny deriv'd from another Principle, that is, the inſufficiency of the balance: For tho' from the time of the Captivity, the Jubilee was no more in uſe, yet the Virgin MARY as an Heireſs, is affirm'd by ſome to have been marry'd to JOSEPH by Virtue of this Law: *Every Daughter that poſſeſſes an Inheritance in any Tribe of the Children of Iſrael, ſhall be Wife to one of the Family of the Tribe of her Fathers, &c.* By which the popular Agrarian may be more than ſuſpected to have been of greater vigour than would admit of a well-balanc'd Monarchy.

Numb. 27. 8.

THE ſecond Presbytery, which is now attain'd to a well-balanc'd Empire in the Papacy, has infinitely excel'd the pattern, the Lands of *Italy* being moſt of them in the Church. This, if I had leiſure, might be track'd by the very ſame ſteps: At firſt it conſiſted of the ſeventy Pariſh Priests, or Presbyters of *Rome*; now ſeventy Cardinals creating to themſelves a High Priest, or Prince of their Sanhedrim, the Pope, but for the Superſtition whereto he has brought Religion,

ligion, and continues by his *Chirothesia* to hold it, a great and a Reverend Monarch, establish'd upon a solid Foundation, and governing by an exquisite Policy, not only well-balanc'd at home, but deeply root-ed in the greatest Monarchies of Christendom, where the Clergy by virtue of their Lands are one of the three States.

THE Maxims of *Rome* are profound; for there is no making use of Princes without being necessary to them, nor have they any regard to that Religion which does not regard Empire. All Monarchies of the *Gothic* Model, that is to say, where the Clergy by virtue of their Lands are a third estate, subsist by the Pope, whose Religion creating a reverence in the People, and bearing an awe upon the Prince, preserves the Clergy, that else being unarm'd, become a certain Prey to the King or the People; and where this happens (as in HENRY the Eighth) down goes the Throne; for so much as the Clergy loses, falls out of the Monarchical into the Popular Scale. Where a Clergy is a third Estate, Popular Government wants Earth, and can never grow: but where they die at the root, a Prince may sit a while, but is not safe; nor is it in nature (except he has a Nobility or Gentry able without a Clergy to give balance to the People) that he should subsist long or peaceably: For wherever a Government is founded on an Army, as in the Kings of *Israel* or Emperors of *Rome*, there the saddest Tragedies under Heaven are either on the Stage, or in the Tiring-house. These things consider'd, the *Chirothesia* being originally nothing else but a way of Policy excluding the People, where it attains not to a balance that is sufficient for this purpose, brings forth Oligarchy or Tyranny, as among the *Jews*: And where it attains to a balance sufficient to this end, produces Monarchy, as in the Papacy, and in all *Gothic* Kingdoms.

THE Priests of *Ægypt*, where (as it is describ'd by SICULUS) their Revenue came to the third part of the Realm, would no question have been exactly well fitted with the *Chirothesia* pretended to by modern Divines. Suppose the Apostles had planted the Christian Religion in those Parts, and the Priests had been all converted, I do not think that Divines will say, that having alter'd their Religion they needed to have deserted their being a third Estate, their over-balance to the People, their Lands, their Pre-eminence in the Government, or any part of their Policy for that: and I am as far from saying so as themselves.

ON the other side, as PAUL was a Citizen of *Rome*, let us suppose him to have been a Citizen of *Athens*, and about (καθίσταται) to constitute the Christian Religion in this Common-wealth, where any Citizen might speak to the People: Imagine then he should have said thus; *Men of Athens, that which you ignorantly seek I bring to you, the true Religion; but to receive this, you must not alter your former Belief only, but your antient Customs. Your Political Assemblies have been hitherto call'd Ecclesiæ; this word must lose the antient sense, and be no more understood but of Spiritual Consistories; and so whereas it has been of a Popular, it must henceforth be of an Aristocratical, or Presbyterian signification. For your Chirotonia, that also must follow the same rule; insomuch as on whomsoever one or more of the Aristocracy or Presbytery shall lay their hands the same is understood by virtue of that Action to be chirotoniz'd. How well would this have sounded in Egypt, and how ill in Athens? Certainly*

tainly the Policy of the Church of CHRIST admits of more Prudence and Temperament in these things: Tho' the Apostles being *Jews* themselves, satisfy'd the converted *Jews* that were us'd to Aristocracy, by retaining somewhat of their Constitutions, as the *Chirothesia*; yet when PAUL and BARNABAS come to constitute in Popular Commonwealths, they are (χειροτονήσαντες αὐτοῖς πρεσβυτέρους κατ' ἐκκλησίαν) *Chirotonizing them Elders in every Congregation*. Chap. 5.

C H A P. V.

Whether the Chirotonia mention'd in the fourteenth of the Acts be indeed, as is pretended by Dr. HAMMOND, Dr. SEAMAN, and the Authors they follow, the same with the Chirothesia, or a far different thing. In which are contain'd the divers kinds of Church-Government introduc'd and exercis'd in the age of the Apostles.

EITHER I have impertinently intruded upon the Politics, or cannot be said so much to meddle in Church matters, as Church-men may be said to have meddled in State matters: For if the *Chirotonia* be Election by the many, and the *Chirothesia* be Election by one, or by the Few, the whole difference between Popular and Monarchical Government falls upon these two words; and so the question will be, Whether the Scriptures were intended more for the advantage of a Prince, of a Hierarchy or Presbytery, than of the People. But that God in the Old Testament instituted the *Chirotonia*, not only in the Common-wealth, as by the Election of the Sanhedrim, but in the Monarchy, as in the Election of the Kings, is plain: So if there remains any advantage in Scripture to Kings, to the Hierarchy or Presbytery, it must be in the New Testament. *Israel* was God's chosen People, and God was *Israel's* chosen King: That God was pleas'd to bow the Heavens, and come down to them, was his choice, not theirs; but in that upon his Proposition, and those of his Servant MOSES, they resolv'd to obey his Voice, and keep his Covenant, they chose him their King. In like manner, the Church is CHRIST's chosen People, and CHRIST is the Church's chosen King. That CHRIST taking flesh was pleas'd to bow the Heavens, and come down in a more familiar capacity of proposing himself to Mankind, was his own choice, not theirs: but in that the Church upon his Proposition, or those of his Apostles sent by him, as he was sent by the Father, resolv'd to obey his Voice, and keep his Covenant, she has chosen him her King. Whatever in Nature or in Grace, in Church or in State, is chosen by Man according to the Will of God, is chosen by God, of whom is both the Will and the Deed. Which things consider'd, I wonder at Dr. HAMMOND, who says, *Sure the Jewish and Heathen Cities, to whom the Gospel by CHRIST's Command was to be preach'd, were not to choose their Guides or Teachers.* CHRIST was not chosen by them to whom he preach'd; for says he, *ye have not chosen me. He came from Heaven, sent by his Father on that Errand; and happy they whom he was thus pleas'd to choose, to call,*
and

Book II. *and preach to. And when his Apostles, after his example, go and preach to all Nations, and actually gather Disciples, they chose their Auditors, and not their Auditors them. To make short work, I shall answer by explaining his Words as they fall.*

A ROMAN choosing whether he would speak to the Senate or the People, chose his Auditors, and not they him: Nevertheless if it were the Consul, they chose him, and not he them. It is one thing to be a Speaker to a People, that have the liberty, when that's done, to do as they think fit; and another thing to be a Guide, whom the People have consented, or oblig'd themselves to follow: which distinction not regarded, makes the rest of his Argumentation recoil upon himself; while he proceeds thus: *And they that give up their Names to the Obedience of the Gospel* (chose the Preachers, as I should think, of that Gospel their Guides) *one branch of this Obedience obliges them* (by their own consent it seems, because before they gave up their Names) *to observe those that* (being thus plac'd over them by their consent) *are plac'd over them by God: such not only are their Civil Magistrates* (who succeed to their places by, and govern according to the Laws which the People have chosen) *but also their Pastors, whom the Holy Ghost either mediately* (according to the Rules of Church Discipline in Scripture) *or immediately* (upon some such miraculous Call, as the People shall judge to be no imposture) *has set over them.* From which words the Doctor, not considering those Qualifications I have shewn all along to be naturally inherent in them, concludes *that a Bishop is made by the Holy Ghost, and not by the People.*

IF he would stand to this yet it were something; for if the Holy Ghost makes a Bishop, then I should think that the Holy Ghost ordain'd a Bishop, and so that the Election and Ordination of a Bishop were all one. But this hereafter will appear to be a more dangerous Concession than perhaps you may yet apprehend. Wherefore when all is done, you will not find Divines, at least Dr. HAMMOND, to grant that the Holy Ghost can ordain: he may elect indeed, and that is all; but there is no Ordination without the *Chirothesia* of the Bishops, or of the Presbytery. Take the Doctor's word for it.

§. 107.
Acts 20. 28.

WHEN St. PAUL says of the Bishops of Asia, *that the Holy Ghost had set them Overseers, I suppose that it is to be understood of their Election or Nomination to those Dignities: for so CLEMENT speaks of St. JOHN, who constituted Bishops of those that were signify'd by the Spirit; where the Spirit's Signification notes the Election or Nomination of the Persons, but the constituting them was the Ordination of St. JOHN.*

GOD may propose, as the Electors do to the great Council of Venice; but the Power of the Council, that is, to resolve or ordain, is in the Bishop, says Dr. HAMMOND, and in the Presbytery, says Dr. SEAMAN. Indeed that Election and Ordination be distinct things, is to Divines of so great importance, that losing this hold, they lose all: For, as I said before, whatever is chosen by Man according to the Will of God, that is, according to Divine Law, whether natural or positive, the same, whether in State or Church, is chosen by God, or by the Holy Ghost, of whom is both the Will and the Deed. To evade this, and keep all in their own hands, or *Chirothesia*, Divines have invented this distinction, that Election is one thing, and Ordination another: God may elect, but they must constitute; that is, God may propose, but they must resolve. And yet GROTIUS, who

who in these things is a great Champion for the Clergy, has little more to say upon this Point than this. *Whether we consider antient or modern Times, we shall find the manner of Election very different not only in different Ages and Countries, but in different years of the same age, and places of the same Country; so uncertain it is to determine of that which the Scriptue has left uncertain. And while men dispute not of Right but of Convenience, it is wonderful to see what probable Arguments are brought on all sides. Give me CYPRIAN and his times, there is no danger in popular Election. Give me the Nicene Fathers, and let the Bishops take it willingly. Give me THEODOSIUS, VALENTINIAN, and CHARLES the Great, than Royal Election there is nothing safer. Upon the heels of these Words treads Dr. HAMMOND in this manner: That Election and Ordination are several things, is sufficiently known to every man that measures the nature of Words either by usage or Dictionaries; only for the convincing of such as think not themselves oblig'd to the observation of so vulgar Laws, I shall propose these evidences. In the Story of the creation of the Deacons of Jerusalem, there are two things distinctly set down, one propos'd to the multitude of Disciples to be done by them, another reserv'd to the Apostles; that which was propos'd to the multitude was to elect, &c. Election of the Persons was by the Apostles permitted to them, but still the (ἐκτελεσθαι) constituting is reserv'd to the Apostles. Then comes Dr. SEAMAN: Be it granted, as it is by Protestants generally, that PAUL and BARNABAS made Elders with the consent of the People, their Consent is one thing, and their Power another.*

Chap. 5.

De Imp. sum.
Pot. c. 10.
§. 31.

§. 104.

Acts 6.

Of Ordinate.
P. 13.

WHERE in the first place I for my particular, who have had the Books of Dr. HAMMOND and Dr. SEAMAN sent to me by way of Objection, need not go a step further. All that I have insert'd in my *Oceana* concerning Ordination, is in these three Votes acknowledg'd and confirm'd: For the Probationer to be there sent by a University to a cure that is vacant, may by a Doctor, or the Doctors of the same University already ordain'd, receive Imposition of Hands, if that be thought fit to be added, and then the Election of the same Probationer by the People does no hurt, nay, says GROTIUS, *is of the right of Nature; for it is naturally permitted to every Congregation to procure those things which are necessary to their conservation, of which number is the Application of Function. So Merchants have the right of electing of a Master of their Ship; Travellers of a Guide in their way, and a free People of their King. The Merchant, it seems, does not make the Master of his Ship, the Traveller his Guide, nor the free People their King, but elect them. As if VAN TRUMP had been Admiral, a Robber upon the Highway had been a Scout, or the Guide of an Army, or SAUL a King before they were elected. The point is very nice, which instead of proving, he illustrates in the beginning of the same Chapter by these three similitudes.*

De Imp. c. 10.

THE first is this, *The Power of the Husband is from God, the Application of this Power to a certain Person is from consent, by which nevertheless the right is not given; for if this were by consent, the Matrimony might be dissolv'd by consent, which cannot be. As if an apparent retraction of Matrimonial Consent, as when a Wife consents to another than her own Husband, or commits Adultery, did not deliver a man from the bond of Marriage by the Judgments of CHRIST. There is an imperfection or cruelty in those Laws, which make marriage to*

Book II. last longer than a man in humanity may be judg'd to be a Husband, or a Woman a Wife: to think that Religion destroys Humanity, or to think that there is any defending of that by Religion which will not hold in Justice, or natural Equity, is a vast error.

THE second Similitude is this: *Imperial Power is not in the Princes that are Electors of the Empire; wherefore it is not given by them, but apply'd by them to a certain Person.*

1 Pet. 2. 13.

THIS is answer'd by PETER, where he commands Obedience to every Ordinance of Man (or, as some nearer the Original, every Power created by men) whether it be to the Roman Emperor as Supreme, or to the Pro-consuls of *Asia* and *Phrygia*, as sent by him; for this is the sense of the *Greek*, and thus it is interpreted by GROTIUS. Now if the then Roman Emperor were a Creature of Man, why not the now Roman Emperor?

THE last similitude runs thus: *The Power of Life and Death is not in the multitude before they be a Common-wealth; for no private Man has the right of Revenge; yet it is apply'd by them to some Man, or Political Body of Men.* But if a man invades the Life of another, that other, whether under Laws or not under Laws, has the right to defend his own Life, even by taking away that (if there be no other propable Remedy) of the Invader. So that men are so far from having been void of the power of Life and Death before they came under Laws, that Laws can never be so made as wholly to deprive them of it after they come under them: wherefore the power of Life and Death is deriv'd by the Magistrate from, and confer'd upon him by the consent or *Chirotonia* of the People, whereof he is but a mere Creature; that is to say, an Ordinance of Man.

THUS these Candles being so far from lighting the House, that they die in the Socket, GROTIUS has been no less bountiful than to grant us that the People have as much right (where there is no human Creature or Law to the contrary) to elect their Churchmen, as Merchants have to elect their Seamen, Travellers their Guides, or a free People their King; which is enough a conscience. Nor is Dr. HAMMOND straiter Handed: Election, says he, was permitted by the Apostles to the Multitude, and therefore the same may be allow'd, always provided the (κατασκευασμένη) constituting be reserv'd to the Pastors, or ordain'd Doctors and Preachers. And Dr. SEAMAN, upon condition the People will not say that it was done by their power, but think it fair that it was done by their consent, is also very well contented. So all stands streight with what I have heretofore propos'd. Let no man then say, whatever follows, that I drive at any Ends or Interests, these being already fully obtain'd and granted; nevertheless for truth sake I cannot leave this Discourse imperfect. If a Politician should say that the Election and the Ordination of a Roman Consul or Pontifex were not of like nature; that the *κατασκευασμένη*, Contract of the Senate of Rome with the People in the Election of NUMA (*ut cum populus regem jussisset, id sic ratum esset, si patres auctores fierent*) included or imply'd the Sovereign power to be in the Fathers; that the Consent of this People was one thing, and their Power another: if, I say, he should affirm these or the like in *Athens*, *Lacedemon*, or any other Common-wealth that is or has been under the Sun, there would be nothing under the Sun more ridiculous than that Politician. But should men pretending to Government of any

Livy.

any kind be not oblig'd to some consideration of these Rules in Nature and universal Experience; yet I wonder how the word (*καθίστασι*) to constitute, with which they make such a flourish, did not lead them, otherwise than they follow; this, as it was said of SOLON by ARISTOTLE, being that which I have already shewn to be us'd both in the *Greek* of the Scripture, for the constitution of the Sanhedrim by MOSES, and in other Authors for that of the Senate by ROMULUS, each of which was then elected by the People: whence it may appear plainly that this is no word, as they pretend, to exclude popular Suffrage, but rather to imply it. And indeed that it is of no such nature as necessarily to include Power, could not have been overseen in the New Testament, but voluntarily where (*οἱ δὲ καθιστῶντες τὸν Παῦλον*) they are signify'd by it that conducted PAUL. But they have Miracles: such indeed as have neither words nor reason for them, had need of Miracles. And where are these same Miracles? why the Apostles by the *Chirothesia* or laying on of Hands confer'd the Holy Ghost. So they did not only when they us'd that Ceremony in reference to Ordination, but when they us'd it not in that relation, as to those that were newly baptiz'd in *Samaria*, Men and Women: now it is not probable, that these, who should seem to have been numerous, were all ordain'd, at least the Women; and so the Miracle is to be attributed to the Hands of the Apostles, and not to Ordination in general. JOSHUA was full of the Spirit (not because he had been ordain'd by the *Chirothesia*, for so had many of them that crucify'd CHRIST and persecuted the Apostles, but) because MOSES had laid his hands upon him.

Chap. 5.

Acts 17. 15.

Acts 8.

WOULD Divines be contented that we should argue thus; The *Chirotonia* or Suffrage of the People of *Israel* at the first institution was follow'd with miraculous Endowments, therefore whoever is elected by the People shall have the like? Or what have they to shew why the Argument is more holding as to their *Chirothesia*, seeing for above one thousand years all the Hierarchy and Presbytery laid together have done no more Miracles than a Parish Clerk?

A CONTINU'D Miracle, as that the Sea ebbs and flows, the Sun always runs his admirable course, is Nature. Intermitted Nature, as that the waters of the Red Sea were mountains, that the Sun stood still in the Dial of AHAB, is a Miracle. To continue the latter kind of Miracle were to destroy the former, that is, to dissolve Nature. Wherefore this is a certain rule, that no continu'd external Act can be in the latter sense miraculous. Now Government, whether in Church or State, is equally a continu'd external Act. An internal continu'd Act may indeed be natural, or supernatural, as Faith.

A NATURAL Man, being even in his own natural apprehension fearfully and wonderfully made, is by the continu'd Miracle of Nature convinc'd that the World had a Creator, and so comes to believe in that which is supernatural; whence it is that all Nations have had some Religion: and a Spiritual Man being convinc'd by the purity of CHRIST's Doctrine, and the Miracles whereby it was first planted, is brought to the Christian Faith. However CHRIST may require such continu'd Faith or Spiritual exercise of his Church as is supernatural, he requires not any such continu'd Act or bodily exercise of his Church as is supernatural. But the Government of the Church is a continu'd Act, or bodily exercise. It should be heeded that to delude the sense is not to do Miracles, but to use Imposture. Now to persuade

Book II. *fuade us, That Monarchical, Aristocratical, Popular, or mixt Government have not always been in Nature, or that there has ever been any other in the Church, were to delude sense. Wherefore give me leave (in which I am confident I shall use no manner of Irreverence to the Scripture, but on the contrary make the right use of it) to discourse upon Church-Government according to the rules of Prudence.*

THE Gospel was intended by Christ to be preached to all Nations, which (Princes and States being above all things exceeding tenacious of their Power) is to me a certain Argument that the Policy of the Church must be so provided for, as not to give any of them just cause of Jealousy, there being nothing more likely to obstruct the growth of Religion: and truly the nearer I look to the Scripture, the more I am confirm'd in this opinion.

*First way of
Ordination in
the Church of
Christ.*

Acts 1.

CHRIST being taken up into Heaven, the first Ordination that we find was that of the Apostle MATTHIAS after this manner.

THE Aristocracy of the Church, that is the Apostles, assembl'd the whole Congregation of Disciples or Believers at *Jerusalem*, being in number one hundred and twenty, where PETER (it having as it should seem been so agreed by the Apostles) was Proposer; who standing up in the midst of the Disciples, acquainted them, that whereas JUDAS was gone to his place, the occasion of their present meeting was to elect another Apostle in his room: whereupon proceeding to the Suffrage, they appointed two Competitors, JOSEPH and MATTHIAS, whose names being written each in a several Scrol, were put into one Urn, and at the same time two other Lots, whereof one was a blank and the other inscrib'd with the word *Apostle*, were put into another Urn; which done, they pray'd and said, *Thou Lord which knowest the hearts of all men, shew whether of these two thou hast chosen.* The Prayer being ended, they gave forth their Lots, and the Lot fell upon MATTHIAS (*ὃς συνεκτεψήφισθη μετὰ τῶν ἑνδεκά ἀποστόλων*) and by this *Psephisma* (the very popular word, and not only so, but being apply'd to the Ballot, is the very literal and original signification) he was added to the eleven Apostles. So you have the first way of Ordination in the Church, after Christ was taken up into Heaven, perform'd by the Election or *Chirotonia* of the whole Church.

NOW except any man can shew that MATTHIAS ever receiv'd the imposition of hands, these several things are already demonstrated. First, that the *Chirotonia* is not only the more antient way of Ordination in the Common-wealth of *Israel*, but in the Church of CHRIST. Secondly, that the *Chirothesia* or imposition of Hands is no way necessary to Ordination in the Christian Church. Thirdly, that the Discipline of the Christian Church was primitively Popular; for to say that in regard of the Apostles it was Aristocratical, is to forget that there is no such thing, without a mixture of Aristocracy, that is without the Senate, as a Popular Government in Nature. Fourthly, that Ordination in the Common-wealth of *Oceana* being exactly after this pattern, is exactly according to the Discipline of the Church of CHRIST. And fifthly, that Ordination and Election in this example are not two, but one and the same thing.

§. 115.

THE last of these Propositions having been affirm'd by Mr. HOBBS, Dr. HAMMOND tells him plainly, that his assertion is far from all truth: Let us therefore consider the Doctor's Reasons, which are these; *Seeing the Congregation, says he, is affirm'd by the Gentleman to have ordain'd,*

dain'd, and it is plain by the words of St. LUKE that God elected, Election Chap. 12. and Ordination by this Example must be distinct things: which in another place going about to fortify with this Argument, *That it was done by Lottery, and SOLOMON says, The Lot is at the disposing of the Lord,* he utterly overthrows without and beyond help; for in this SOLOMON not denying, but rather affirming that he was chosen King by the People, plainly shews that Election by the People is Election by God. Where it is affirm'd, that God rais'd up Judges in *Israel*, it is not deny'd that the People elected them. The Doctor is at it in MAIMONIDES more than once, *that the Divine Majesty rested upon such as were ordain'd by Imposition of Hands.* But whereas it is affirm'd by MAIMONIDES more often, that *when the People (Ecclesia Dei) or Congregation of Israel assembl'd, then the Divine Majesty, or the Holy Ghost rested upon them;* of this he never takes any notice. The People, whether in *Israel, Athens, Lacedemon, or Rome,* never assembl'd for enacting of Laws, or election of Magistrates, without Sacrifice and imploring the assistance of God, to whom when their work was perform'd, they always attributed the whole Result or Election: and would the Doctor have Christians to allow him but a Piece? For whereas God electing there had in the sense both of *Jews and Heathens*, his choice of all, God electing here had in the sense of Divines, but his choice of two, which were next this or none, but that indeed where he has not the whole he has none at all. Is that then far from all truth, which the Gentleman, or that which the Divine has said, either in this part, or where he adds, that the hundred and twenty in the Text are never mention'd but once, and then it is in a Parenthesis? Dr. H. of Imposition. §. 115. I will but transcribe the place.

AND in those days PETER stood up in the midst of the Disciples, Acts 1. 15. and said (the number of the Names together were about an hundred and twenty) &c. Are the Disciples in the Parenthesis, or out of it? Are they but once mention'd, and that is in a Parenthesis? Or are they but once number'd, and that is in a Parenthesis? If a Gentleman should do thus, what would they say? Or, what were ill enough to be said? But to mend the Text, and bring the Disciples into the Parenthesis, they have more ways than one; whereas the Heathen People, while the Priests were willing, mix'd these Duties with Devotions, Divines will not suffer a Christian People upon like occasions to pray: for where it is said, *They pray'd,* it went before, *they appointed two,* and it follows, *They gave out their Lots;* which antecedent and consequent, if the People pray'd, must be equally understood of them, and so they could be no Parenthesis. Therefore pray they must not, or Divines are lost. But how will they silence them? To shew you this art I must transcribe the Heads of the Chapter.

THE Apostles being return'd from Mount Olivet to Jerusalem, went up into an upper room, where abode both PETER and JAMES and JOHN, and ANDREW, JAMES the Son of ALPHEUS, and SIMON ZELOTES, and JUDAS the Brother of JAMES. Verse 13.

AND in those days PETER stood up in the midst of the Disciples, and said (the number of Names together were about one hundred and twenty) 15.

MEN and Brethren, 16.

OF these men which accompany'd with us all the time that the Lord Jesus went in and out among us, 21.

Book II.

22.

23.

24.

26.

MUST one be ordain'd to be a Witness with us of his Resurrection. AND they appointed two, JOSEPH and MATTHIAS.

AND they pray'd, and said, Thou Lord which knowest the hearts of all men, shew whether of these two thou hast chosen.

AND they gave forth their Lots, and the Lot fell upon MATTHIAS,

α' συνκατεψηφισθη μετὰ τῶν ἑνδεκα ἀποστόλων.

THEY whom PETER acquainted that one must be ordain'd, one would verily believe were the hundred and twenty Disciples, in the midst of whom he stood up, and made the Proposition; and so much the rather, because this was no more than the Apostles knew before, and (in all right understanding of Government and Sense) were already agreed upon, it being the Office of the Aristocracy or Senate in a Common-wealth (and such exactly were the Apostles in the Church) upon all new Orders or Elections to be made; first, to debate and determine by themselves, and then to propose to the *Chirotonia* or ultimate result of the People. But Divines say absolutely no, which word to make good, *They appointed two, and they pray'd, and they gave forth their Lots*, being sentences that stand plainly together, or hunt in couples, must leap sheer over nine Verses, PETER's whole Oration (which by this means is no more than a Parenthesis neither) and over the hundred and twenty Disciples, without touching a hair of their heads, to light plum upon the thirteenth Verse and the eleven Apostles! Never man us'd his Grammar so since he threw it at a Pear tree! Yet that

Grotius.

CHRYSOSTOM (who understood *Greek*) allows of no such construction, is confess'd by the learnedst of this opinion; and whereas they fly to the *Latin* Fathers, that retreat is wholly cut off by DAVID BLUNDEL in his very learned *Treatise of the right of the People in Church-Government*.

BUT what do we stand upon words? Are these such whereof the things to which they relate may be Interpreters? Or to what things can they relate but the Institution of the Sanhedrim by MOSES? That at the Institution of the Sanhedrim the Competitors were elected by the Suffrage of the People, and from thence that the Ballot of *Israel* consisted not only of a Lot but of a Suffrage too, has been already demonstrated out of Scripture; and that the Election of MATTHIAS was by the Ballot of *Israel* is no less apparent in it self, than fully confess'd upon the place by GROTIUS.

Demonstration that God never ordain'd any Policy Ecclesiastical or Civil, but upon the Principles of Human Prudence.

Josh. 9. 11.

"THEY that under colour of Religion in matter of Government, slight Prudence, are mistaken, or do not mean honestly. Neither GOD nor CHRIST ever instituted any Policy whatsoever upon any other Principles than those of Human Prudence. The Embassadors sent from the *Gibienites* to JOSHUA deliver their Message in this manner; *The Elders and all the Inhabitants of our Country spake to us, saying, Go meet them, and say to them, We are your Servants; therefore now make ye a League with us.* They that had Power to send Embassadors, and to make a League with a foreign Nation, had sovereign Power; this sovereign Power was in the Elders, or Senate, and in the People of *Gibeon*: wherefore God constituting his Common-wealth for the main Orders (that is to say, the Senate and the People) upon the same Principles on which the *Gibeonites* had long before built theirs, laid his Foundations upon no other than human Prudence. So for the inferior Courts they were transcrib'd by MOSES out of the Common-wealth of *Midian*, upon advice

" of

“ of JETHRO his Father in Law. According to such patterns was Chap. 5.
 “ *Israel* framed, and by that of *Israel* this first Policy of the Church
 “ of CHRIST so exactly, as (*sans comparaison*) any man shall shew
 “ the Common-wealth of *Oceana* to have been transcribed out of
 “ *Rome* or *Venice*. Let them that would have the Government be
 “ somewhat between Earth and Heaven, consider this place.

NOR is Ecclesiastical Policy only subject to human prudence, but to the same vicissitudes also whereto Human Prudence is subject, both in her own nature, and as she is obnoxious to the State wherein she is planted, and that unavoidably; as I come now to demonstrate by the Alterations which happened even in the Age of the Apostles themselves: for this at the Election of MATTHIAS being altered, the next form of Ecclesiastical Policy introduced in their times, is resembled by GROTIUS to that of *Athens*, of which, for the better clearing of what follows, it is necessary that I first say something by way of Introduction.

THE *Thesmothetæ*, being in number six, were Magistrates of the highest dignity, power, and Rank in *Athens*. These, says ARISTOTLE, were elected by the *Chirotonia* or Suffrage of the People; and says, POLLUX being elected underwent the Inquisition of the Senate, where they were to answer to these Interrogatories, *Whether they worshipped the God of their Countries? Whether they had been dutiful to their Parents? born Arms for the Common-wealth? paid Duties or Taxes?* In which Particulars the Senate being satisfied, *They were sworn and crowned with Mirtle*; which comes to this, that the (*βουλευται*) or Constitution being reserved to the Senate, the *Thesmothetæ* were elected by the *Chirotonia* of the People. Now tho' the Government of *Athens* throughout the Cities of *Asia* (being most of them of the like Model) was most known, I will not say that the Apostles wrote their Orders out of *Athens*, but seeing all Political Institutions must needs be according to human Prudence, and there is nothing to be written out of this but what will fall even with some other Government that is or has been, I may say, as GROTIUS has said before me, that the frame of Church-Government in the ensuing Example was after the manner of *Athens*. Arist. 2. lib. 2. c. 10. Pol. lib. 8. c. 9.

WHEN the number of the Disciples, or Believers, was multiply'd, there arose a murmuring among such of the Jews as having been bred in *Alexandria* or other parts, were for their Language (which was *Greek*) partly strangers, against the *Hebrews* or converted Jews, that spoke their own Language, as if these indeed used them like strangers, their Widows being neglected, or not dealt so liberally withal, as those of the *Hebrews* in the Contributions due for their constant maintenance. Second way of Ordination in the Church of Christ.

HEREUPON the twelve Apostles after the manner of the Senate, having without all question debated the business among themselves, as appears by the Speech upon which they were agreed, assembled the People, which is still Senatorian, or called the Multitude of the Disciples to them, and said, It is not reason that we should leave preaching, or the Word of God, to be taken up with this, tho' charitable, nay, seeing we have introduced Community of goods, most just and necessary Employment of providing Food and Clothing for every one of our Fellowship or Community (the Christians in these times, much after the manner of the *Lacedemonian* Convives us'd to eat in public and together) to do this as it ought to be done, were to become Caterers,

Book II. Caterers, and be taken up in serving Tables. *Wherefore, Brethren,* (take the wise men and understanding, and known among you) *look out seven men of honest report, full of the Holy Ghost, and of Wisdom* (ὡς καταστήσομεν ἐν τῇ ἡμετέρᾳ ἐκκλησίᾳ) *whom we may appoint over this business.*

THIS Saying, that is, this Proposition of the Senate or Apostles, pleased the whole Multitude (like that of MOSES, *the thing which thou has said is good for us to do*) So they chose STEPHEN, PHILIP, PROCHORUS, NICANOR, TIMON, PARMENAS, and NICHOLAS, whom being elected, they set before the Apostles, who when they had prayed, laid their Hands upon them.

WHAT fuller Demonstration can be given of any thing, than that in this example Ordination and Election are one and the same, and that this was confer'd by the *Chirotonia* of the People? If there be any possible way of making this clearer, it must be by opposition: wherefore let us see what Divines have to say to the contrary.

GROTIUS gives us all we ask from this place, which he gives for nothing, because it concerns not the Election of Pastors, but of Deacons. As if STEPHEN and PHILIP had not only been Preachers of the Gospel, but done Miracles. What Dr. SEAMAN denies or grants in relation to the same, I have endeavoured to understand, but it will not do. Dr. HAMMOND is so plain, that his Objections may be of use. He, to prove that the Ordination of these Deacons was not in the *Chirotonia* of their Disciples, but in the *Chirothesia* of the Apostles, has these Arguments,

“ THERE be two things distinctly set down, Election permitted to the People, and the (καταστήσειν) constituting reserved to the Apostles.

To which I answer, That there were two things set down by the *Athenian* Law, Election of the *Thesmothetæ* by the People, and the (καταστήσειν) constituting of them by the Senate; yet that the Ordination was in the Power, and that the Power was in the People of *Athens*: he that makes a doubt, is not resolved whether the most popular Common-wealth that ever was were a Democracy.

“ BUT, says he, this looking out of Men, or choosing, was permitted to the Multitude by the Apostles with these three bounds: “ First, to take seven, neither more nor fewer: Secondly, those men “ generally known and well reputed of: And thirdly full of the Spirit, and of Discretion or Parts fit for Government.” To which I answer, that the Election of the *Thesmothetæ* was permitted by the Law to the People of *Athens* with these three bounds; First to take six, neither more nor fewer: Secondly, those generally known and reputed of: Thirdly, in such estimation for their honesty and ability for Government, as in their consciences (to which also they made Oath) they should judge fittest for the Common-wealth. Yet is all this so far from any proof that *Athens* was no Democracy, or that the Sovereign Power, whether in enacting of Laws, or election of Magistrates by the Lot or the Suffrage (Institutions equally popular) was not in the People, that it amounts to the strongest argument that the People were Sovereign and the Common-wealth was Democratical. Could Truth desire greater advantage than redounds from such opposition? We have another example of the same Model, in which, because it has been paraphrased upon already in the Introduction I shall be briefer here. In the Church of *Antioch*, where the Disciples were now

now become so numerous, that they began to be call'd Christians, there were among them Prophets: so being assembled on occasion, as I conceive, of giving an extraordinary Commission after the manner of the People of *Athens* when they elected Ambassadors, or (that I may avoid strife upon a point so indifferent) to chuse two new Apostles, *The Holy Ghost said, Separate me BARNABAS and SAUL for the Work whereto I have appointed them*: that is (for so it is render'd by all Interpreters) the Holy Ghost spake those Words by the mouths of the Prophets. Now the Prophets being well known for such, this suffrage of theirs was no sooner given, than (as one that can allow Prophets to be leading men may easily think) follow'd by all the rest of the Congregation: So the whole multitude having fasted and pray'd, the most eminent among them, or the Senatorian Order in that Church, laid their hands upon PAUL and BARNABAS, who being thus sent forth by the Holy Ghost, departed to *Seleucia*.

TO evade this apparent Election, or *Chirotonia* of the whole Congregation, whereby these Apostles or Ambassadors to the Churches of the *Gentiles* were ordain'd, Divines have nothing to say, but *that they were elected by the Holy Ghost*: As if the *Chirotonia* of the People were more exclusive to election by the Holy Ghost, than the *Chirothesia* of the Aristocracy, for which in the time they contend. But if neither of these were indeed exclusive of the Holy Ghost, how is it possible in this frame (where tho' of natural necessity an Aristocracy must have been included, yet the Aristocracy is not in the Text so much as distinguish'd from the People, or once nam'd) that the Power, and so the Ordination should not have been in the People? The Council of the Apostles, of the Elders, and of the whole Church at *Jerusalem*, and other Councils, not of Apostles, nor of the whole Church, in other times or places, us'd this form in their Acts; *It seems good to the Holy Ghost, and to us*: But does this, whether a true or a pretended stile, exclude that Act from being an Act of that whole Council? Or how comes it to pass that because PAUL and BARNABAS were separated by the Holy Ghost, they were not ordain'd by the *Chirotonia* of the whole Christian People at *Antioch*? Acts 15. 22.

THE *Chirothesia* can be no otherwise understood in nature, nor ever was in the Common-wealth of the *Jews*, than Election by the few: And so even under the mere *Chirothesia*, Ordination and Election were not two, but one and the same thing. If MOSES ordain'd JOSHUA his Successor by the *Chirothesia*, he elected JOSHUA his Successor by the *Chirothesia*; and for what reason must it be otherwise with the *Chirotonia*? That a Pharisee could do more with one hand, or a pair of hands, than a Christian Church or Congregation can do with all their hands, is a Doctrine very much for the honour of the true Religion, and a sovereign Maxim of Ecclesiastical Policy.

THE third Constitution of Church-Government in Scripture (whether consisting of Bishops or Presbyters, between which at this time a man shall hardly find a difference) runs wholly upon the Aristocracy, without mention of the People, and is therefore compar'd by GROTIUS to the *Sanhedrim* of *Israel*, as that came to be in these days; from whence Divines also generally and truly confess that it was taken up: to which I shall need to add no more, than that it is an Order for which there is no Precept, either in the Old Testament of God, or in the New Testament of Christ. This therefore thus taken up by the

Third way of Ordination in the Church of Christ.

Grot. ad 1 Tim. 4. 14.

Book II. Apostles from the *Jews*, is a clear demonstration that the Government of the Church, in what purity soever of the Times, nay tho' under the inspection of the Apostles themselves, has been obnoxious to that of the State wherein it was planted. The *Sanhedrim*, from the institution of the *Chirothesia*, for a constant Order, consisted of no other Senators than such only as had been ordain'd by the Imposition of Hands; which came now to be confer'd by the Prince, in the presence, or with the assistance of the *Sanhedrim*. The same Order was observ'd by the *Jewish* Synagogues, of which each had her Archon; nor would the *Jews*, converted to the Christian Faith, relinquish the Law of MOSES, whereto this way of Ordination, among other things tho' erroneously, was vulgarly attributed: whence in the Church, where it consisted of converted *Jews*, Ordination was confer'd by the Archon, or first in order of the Presbytery, with the assistance of the rest. Hence PAUL, in one place, exhorts TIMOTHY thus: Neglect not the Gift that is in thee, which was given thee by Prophecy, with the laying on of the hands of the Presbytery. And in another thus: Wherefore I put thee in remembrance, that thou stir up the Gift of God which is in thee by the putting on of my hands.

Grot. ad Mat.
19. 13.

1 Tim. 4. 14.

2 Tim. 1. 6.

§. 106.

I GRANT Divines, that Ordination by this time was wholly in the Presbytery; what say they then to the distinction of Ordination and Election? Are these still two distinct things, or may we hence, at least, compute them to be one and the same? If they say Yes, why then might they not have been so before? If they say No, who in this place, but the Presbytery, elected? Why, says Dr. HAMMOND, it is plain that *the Spirit of Prophecy elected*. But to give account of no more than is already perform'd, were the spirit of History rather than of Prophecy, to which it appertains to tell things before they be done; as did the Prophets now living in this Church, that TIMOTHY should come to be ordain'd: So the place is interpreted by GROTIUS; and how it should be otherwise understood I cannot see. But putting the case some Act preceded, as SAUL and DAVID were elected Kings by Prophecy; yet did ever man say that for this SAUL or DAVID were any whit the less elected Kings by the People? To the contrary in every well-order'd Common-wealth (*a Joveprincipium*) the deposing of the Lot, and of the Suffrage too, has universally been attributed to God.

§. 134.

THE Piety of Divines in persuading the People that God elects for them, and therefore they need not trouble themselves to vote, is as if they should persuade them that God provides their daily Bread, and therefore they need not trouble themselves to work. To conclude this point with Dr. HAMMOND's own words upon the same occasion; this distinction of Ordination and Election is in Divines *the procreative Mistake, or Ignorance producing all the rest*.

§. 111.

THE reason why PAUL ordain'd now after this manner among the *Jews*, is to me an irrefragable argument that he ordain'd not after this manner among the *Gentiles*: for whereas the first Ordination in the Christian Church, namely that of MATTHIAS, was performed by the *Chirotonia*, which by degrees came now in complacence with the *Jews* to the *Chirothesia*; it seems he was contented not to alter the worst of political Institutions or Customs, where he found them confirm'd by long and universal Practice: and if so, why should any man think that he would go about to alter, or weed out the best, where they

they had taken like root? That this Administration of the *Jews* was of the very worst, is clear in the nature of the Politics, there being no example of a pure Aristocracy or of a Senate, such as was now the Sanhedrim, without a popular balance, that ever govern'd with Justice, or was of any continuance. Nor was the *Chirothesia*, by which means this work came to effect in *Israel*, introduc'd by the prudence of God, but by the corrupt arts of Men. Now that the Governments at the same time of the *Gentiles*, all balanc'd by the *Chirotonia* of the People, were in their nature more excellent, and indeed more accommodated to antient Prudence, as it was introduc'd by God himself in the Common-wealth of *Israel*, has been already sufficiently prov'd: nevertheless, to refresh your memory with one example more.

CRETE having been (as is affirm'd by the Consent of Authors) the most antient, and the most excellent Common-wealth in human Story, was founded by *RHADAMANTHUS* and *MINOS*, an Age before the *Trojan War*: These were held to have learnt their Arts by familiar Discourse with *JUPITER*, and from point to point to have fram'd their Model according to his direction. Nor, tho' all acknowledge *MINOS* to have been a King, did he found his Government upon any other than a popular Balance, or a fundamental regard to the Liberty of the People: For the whole Common-wealth was made up of these three parts, the College, the Senate and the People. The College consisted of the annual Magistrates call'd the *Cosmi*: these had the whole extensive Power, some in leading forth the Armies, and others in judging the People; which Functions were accordingly assign'd by the Orders to each in particular. That which was common to them all, was to propose such things as they had debated or prepar'd in their College or Council, to the Senate. The Senate being elective for life, was the Council, to which appertain'd the Debate of whatever was to be propos'd to the Congregation. The Congregation, or Assembly of the People of *Crete*, had not the right of Debate; but in enacting of Laws, and election of Magistrates, had the ultimate Result of the Common-wealth. Such was the Copy after which *LYCURGUS* wrote himself so famous a Legislator. And thus stood this Frame to the six hundred and eighth year of *Rome*; when this People, having been too favourable to Pirates then infesting those Seas, turn'd the Arms of the *Romans* upon themselves; and by these, under the conduct of *QUINCTUS METELLUS*, thence call'd *CRETICUS*, *Crete* was made a Province: tho' the chief Cities being first freed, it should seem (by *CICERO*'s second Oration against *Anthony*) that the whole Island was at length restor'd to her antient Liberty. However by the manner observ'd by the *Romans*, as was shewn, in Provincial Government, the Cities under their Magistrates (who while the Common-wealth was a Province perhaps might have exercis'd the Office of the *Cosmi*) were not yet depriv'd of their popular Assemblies, at least in their distinct Cities, electing all Magistrates for their (*αὐτονομία*) peculiar or domestic Government. Such was the State of *Crete*, when *PAUL* having appeal'd from the *Jews* to *CÆSAR*; and being thereupon conducted by Sea towards *Rome*, touch'd in his way upon this Island, where he left *TITUS* to constitute Elders in every City. The word (*καταστήσας*) constitute, our Divines will have to signify ordain by Imposition of Hands, and Imposition of Hands to signify an act of Power, excluding the People. But why *PAUL*, who among the *Jews* had comply'd with their Customs, should enjoin; or how *TITUS*, had it been so enjoin'd,

Epitome of
the Common-
wealth of
Crete.

Book II. enjoin'd, should accomplish this where the Power was Popular, they have not shewn nor consider'd. To introduce Religion or Government there be but two ways, either by persuasion, or by force. To persuade the people of *Crete*, in whom was the Power, to this new way of Ordination, *TITUS* must have spoken to this effect: "Men of *Crete*, *MINOS* being a King, could not choose but have a natural inclination to popular Power; wherefore his pretence that *JUPITER* told him, Power was to be in the People, may be suspected to have been imagin'd merely for his own ends: or this is a certain sign that *JUPITER* is no true, but a feigned God; seeing the true God will have it that the People should have no Power at all, but that such, upon whom his Ambassadors shall confer power, be without all dispute obey'd. How! are you starting at this! are you solicitous for your Common-wealth! It is true, that upon carnal principles or human prudence, without Power in the People there can be no Common-wealth: but *Israel* was a Common-wealth without power in the People; where *MOSES* made all the Laws by the power invested in him by God, and created all the Magistrates, not by popular suffrage, but by his *Chirothesia*. Wherefore, Men of *Crete*, know ye, that on whomsoever I lay my hands, the same is in all spiritual Affairs, or matters of Church-Government, to be obey'd by you, after the same manner that you have hitherto obey'd such Magistrates or Priests as have been ordain'd by your own Election, or *Chirotonia*." Of what other nature the Arguments of *TITUS* to the pretended purpose could have been, I am not able to imagine; nor how this should have done less than provoke the People to a dangerous jealousy of such a Doctrine. But Divines, to set all straight, think it enough to repeat the words of *PAUL* to *TITUS* in *Greek*? *For this cause left I thee in Crete* (ἵνα καταστήσῃς πόλιν πρεσβυτέρους) *that thou shouldst ordain Elders in every City*. It is true that *DEMOSTHENES* speaks somewhat like words concerning the Expedition of *PHILIP* of *Macedon* in *Peloponnesus* (ἐπειδὴ τυράννης εχθρὸς ἐν ταύταις ταῖς πόλεσι κατέστη) *when he had ordain'd Tyrants in every City*: but then *PHILIP* had an Army; what Army did *PAUL* leave with *TITUS*? Or if he ordain'd his Elders neither of these two ways, I see no other than that only by the known and legal *Chirotonia* or Suffrage of the People. But if this be clear, the Clergy come from *Crete*, not upon the Wings of *TITUS*, but of *ICARUS*, whose ambitious Wax is dissolv'd by the Sun.

Tit. 1. 5.

De Corond.

SO much, I conceive, is now discover'd concerning Church-Government, as may shew that it was not of one, but of three kinds, each obnoxious to the nature of the Civil Government under which it was planted; in as much as the *Chirotonia*, or Ballot of *Israel*, being first introduc'd pure, and without any mixture, as at the Ordination of *MATTHIAS*, came afterwards to receive some mixture of the *Chirothesia*, as in the Ordination of *STEPHEN*; and last of all by excluding the People, to degenerate wholly into the *Chirothesia* of the Presbytery, as in the Ordination of *TIMOTHY*: all this by the testimony of Scripture, and in the purest times, even the age of the Apostles. Whence by Undertaking, to shew that as *CHRIST* intended his Doctrine should be preach'd to all Nations, so he intended his Discipline should be such as might suite with any Government (as indeed, if the choice of any of these three be lawful, it does exactly) is, I hope, perform'd. For where the Government is Popular, it is the same with the first; where it is Aristocratical or Monarchical, it agrees with the last; and where it is mix'd, it is between both, and responsible to the second.

second. Of these three in the farther exercise of their natural and intended compliance with Human Prudence, it may be convenient to give some fuller Exemplification. Chap. 5.

THAT any other Ordination than that of the first kind for the original Authority or Practice of it, whether in the Common-wealth of *Israel* or in the Church of Christ, and indeed for the Prerogative of the same in nature, should have been introduced by the Apostles, where it might, much less where the nature of the civil Policy would admit of no other, is neither probable by Scripture nor Reason; whence it is that in the Cities of *Lycaonia* and *Pisidia*, the Government of these being then popular, we do not find any mention at all of the *Chirothesia*, the Apostles in these places (χειροτονήσαντες πρεσβυτέρους κατ' ἐκκλησίαν) *chirotonizing Elders in every Congregation*.

TO evade this place, our Adversaries turn tail to the things, and make their whole flight at the words. In taking one of them into the Disputation, I shall take in all, for they run all upon the same Quotations, or with little addition.

THAT the word *Chirotonizing*, says Dr. HAMMOND, in this place signifies no more than ordaining by the Imposition of Hands, is not so generally acknowledged by late Writers, but that it may be useful to give some few Testimonies out of those Writers which were nearest the times of the Scripture. Thus PHILO JUDÆUS of JOSEPH (βασιλέως ὑπαρχος χειροτονεῖτο) he was ordained Governor of all Egypt under the King, so again of MOSES (ἡγεμῶν χειροτονεῖτο) he was constituted their Ruler. So of AARON'S Sons (ἱερείς χειροτονεῖται) God constituted them Priests. ALEXANDER Son of ANTIOCHUS EPIPHANES writes to JONATHAN (χειροτονῶ μὲν σε ἀρχιερέα) We (in the regal stile) constitute thee High Priest. LUCIAN says of HEPHESTION (Θ. ὃν χειροτονήσαι τὸν τετελευτηκότα) that ALEXANDER made him a God when he was dead. APPIAN (which is added out of GROTIUS, whence most of the rest is taken) to signify Election of Magistrates made by the Roman Emperors, uses no other word; and later Writers speak of some that were chirotoniz'd Emperors by their Fathers. For the use of the word among Christian Writers, take one place in the Author of the Constitutions for many; CLEMENT after the death of LINUS (χειροτονεῖται) was ordain'd Bishop of Rome by PETER. But what need any more? CHRIST'S Disciples are said (ἀποκαχειροτονήθησαν ὑπὸ τοῦ Θεοῦ) design'd or fore-constituted by God the witnesses of his Resurrection: by all which that of PAUL and BARNABAS (χειροτονήσαντες πρεσβυτέρους κατ' ἐκκλησίαν) is but constituting or creating Elders in every Church. Wherefore they that have look'd so far back to the Original, as to think it necessary to render the word to create by Suffrages, are sure guilty of a very impertinent nicety. I promise you had this been against one of our Doctors it might have been a rude Charge; but it is only against ERASMUS, BEZA, DIODATI, and such as took upon them to translate the *Switz*, *French Italian*, *Belgic*, and (till the Episcopal correction) the *English* Bibles. And what apparent cause is there of such confidence? What necessity is there even in the places alledg'd why the word *Chirotonia* should be understood in the sense impos'd? The People of *Egypt*, till having sold their Lands they came to lose their Popular balance, were not Servants to PHARAOH; wherefore when JOSEPH was made Governor over all *Egypt* they were free:

§. 3

Joseph. An. L.
13. c. 5.

L. 7. c. 45.

Acts 10. 41.

Book II.

now that a King should make a Governor of a free People without their consent, or some advice as we say of his Parliament, is altogether improbable, the rather because a Protector, in the absence or minority of the King, has been no otherwise made in *England*, nor pretends the present Protector to any other title than the like *Chirotonia*. But that MOSES is said by the same Author, (who affirmed that he introduced the *Chirotonia* in *Israel*) to have been chirotonized Ruler of the People, can in my judgment be no otherwise than originally and literally taken, seeing God himself was no otherwise made King in *Israel* than by the Suffrage of the People. That the like must be understood of the Sons of AARON has been already shewn. The Doctor is the first has told me, that the plural number for the Royal Stile is so ancient as EPIPHANES: Sure I am it was not derived from his *Macedonian* Predecessors, for in the Letters to the *Athenians* and the *Thebans* recited by DEMOSTHENES, PHILIP of *Macedon* writes in the singular number. But the Letter of EPIPHANES to JONATHAN must, it seems, import that he at single hand (tho' the words carry double) had chirotonized a High Priest of the *Jews*: Who can help it? Some Princes have not only given out that their Priests have been chirotonized when they were not, but that themselves have been chirotonized when there was no such matter. When a Prince says that he was chirotonized or elected by the People, to talk of Rhetoric is to have none. Divines in this case commonly understand it to be proper, or literally meant; for to impose a new sense is to spoil the word; and spoil the word, spoil the Prince. LUCIAN is a Drol, and intends a Jest, but not so good a one, as that he of all others should come nearest to help up with a Hierarchy. For the *Chirotonia*, or Election of the *Roman* Magistrates by the Suffrage of the People or of the Army, every man knows that it is literal: SUIDAS himself interpreting the word by this very example; where he affirms it to signify Election or Ratification by the Many. The Quotation out of the Constitutions, with those of Bishop BILSON, and others out of the *Greek* Fathers, and out of Councils, do not only imply the word *Chirotonia*, but the thing, while they all relate to that kind of Ordination, which being in those Churches yet administered as at the Ordination of STEPHEN, was not confer'd without the consent of the People. But it is above all, that labouring to prove the *Chirotonia* and the *Chirothesia* to be the same thing, they should rely most upon the place where the Apostles are said (προεχειροτονημένοι ὑπὸ τοῦ Θεοῦ) to have been forechirotonized by God; as it were clear in this, that God ordained the Apostles by the laying on of Hands, for so it must be understood, or it makes no more for them than for us. Or if they mean it only to shew that the word *Chirotonia* or Suffrage is used for some Ordination that cannot be taken in our Sense; so the word *Chirothesia* (ἐπὶ θεοῦ χειρὰν) or laying on of Hands, where ANANIAS being neither Bishop nor Presbyter, but only a Disciple, that is, a Christian, lays his hands upon PAUL, is us'd for some Ordination that cannot be taken in their sense; or a man not ordained may ordain as well as they: for to say that the Call was extraordinary, where the like is, or is pretended, will avail little. But there is no need that we should go so near the wind; wherefore to give them all these places in their own sense, even till we come to the Cities in question. What word in any Language is not sometimes, nay frequently, us'd in some other than the proper

proper sense? With what elegance, if this be forbidden, can any man write or speak? Is a Word like a Woman that being taken with a Metaphor, it can never be restor'd to the Original Virtue? If *Chirotonia* has, as Divines pretend, lost all other but their signification, how shall we understand it in *Isaiah*, or where PAUL speaks it of the Brother (χειροτονηθέντα ὑπὸ τῶν ἐκκλησιῶν) *chirotoniz'd*, or *chosen by the Churches*? Certainly in this one place at least it is of our sense, and in the word προκεχειροτονημένοι it is but once yet in all the New Testament of any other; so that if we gain the place in controversy, we have it twice of our sense in Scripture for once not in theirs, but in any other: and in human Authors, they will not so much as pretend to have it once for them of a hundred times for us; which is pretty well for the vindication of the property of one word, and somewhat more perhaps than can be done for another. But in the sense of words that are sometimes properly and sometimes improperly taken, may we admit of the things whereof they are spoken for Interpreters? Or if Lillies and Roses have been almost as often said of Ladies Cheeks, must we understand them no otherwise when we are speaking of Gardens?

2 Cor. 8. 19.

YES, says Dr. HAMMOND, and therefore to say of the Apostles PAUL and BARNABAS, "That they created Elders by their own Suffrages, is no more than to say that they jointly did create, and indeed being but two, there could be no place for Suffrages; and to affirm they did it by the Suffrages of others, is not agreeable to the pretended use of the word; for where it is us'd of chusing by Suffrages, as when the People are said to chirotonize, it is certain that their own and not others Suffrages are meant by it.

"IT were hardly possible to have contriv'd a greater number of Affirmations in so small a compass, nor to have gone farther in them from all truth." Phrases, as words, are to be understood according to the Rule and Law of Speech, which is Use: and thus that the Apostles created Elders by their own Suffrage, is not said; that they did it by the Suffrage of others, is necessarily imply'd; as also that the People are understood to chirotonize as well when it is said of the Presidents of their Assemblies, as of themselves

His own words
to Mr. Hobbs.
§, 118.

Diruit, ædificat, mutat quadrata rotundis

WHEN a man is said to build a House, or marry a Daughter, he is not understood to be the Mason, or the Bridegroom: but the Apostles built Churches in these Cities; therefore the People were not the Masons. The Apostles marry'd CHRIST to these Nations; therefore the People gave not their Consent or Suffrage: what a Construction were this in ordinary discourse or writing, and yet in the Language, as I may say, of a Common-wealth the Phrase is more usual. How often does DEMOSTHENES speak of his Laws (see my *Psephisma, peruse my Law*) and those of other private men? after which Copy the *Parté*, or Laws in the Common-wealth of *Venice*, are call'd by the name of the Proposers, as were those of *Rome*, *Rupilia*, *Cornelia*, *Trebonia*; in which manner we have POYNING'S Law, and some Statutes bearing no other Stile than *Enacted by the King's most Excellent Majesty*, which nevertheless are known to have been all enacted by the Parliament. Thus the LAWS of MOSES, RHADAMANTHUS, MINOS,

De Coron.

Book II. MINOS, LYCURGUS, SOLON, ROMULUS, King EDWARD, were (*leges & consueudines quas vulgus elegerit*) such as the People had confirm'd or chosen by their *Chirotonia*. But they may say, granting you this use of Speech in relation to Laws, what have you of this kind for Elections? The Exception is nice, but to leave none.

THE High Sheriffs in *England* proposing to their Counties the Names of such as stand, are said to elect Parliament-men. They that thus propose Competitors to the Great Council in *Venice* are call'd Electors, and said to elect the Magistrates. The *Proedri*, certain Magistrates to whom it belong'd to put the Question in the Representative of the People of *Athens*, consisting of one thousand, were said (Demost. cont. Timocrat. *διαχειροτονίαν ποιεῖν*) to give or make the Suffrage. The *Thesmothetæ*, who were Presidents at the creation of Magistrates, were said (*πρατεῖν χειροτονεῖν*) to chirotonize the Generals. JOSEPHUS renders those words of God to SAMUEL, *Hearken to the Voice of the People* (*κελεύω δὲ σε χειροτονεῖν αὐτοῖς βασιλέα*) I command thee to chirotonize them a King; which Authors vindicating LUKE for his understanding both of the *Grecian* Customs, and property of Speech, at each of which he was expert, come up to the full and genuine interpretation of the place in controversy, where PAUL and BARNABAS (*χειροτονήσαντες αὐτοῖς πρεσβυτέρους κατ' ἐκκλησίαν*) chirotonizing them Elders in every Congregation, can be no otherwise understood than that they here, as MOSES at the institution of the Sanhedrim, SAMUEL at the Election of the King, the *Proedri* at the passing of Laws, the *Thesmothetæ* at the creation of Magistrates, the Electors in the great Council of *Venice*, and the High Sheriffs in the Counties of *England*, were no more than Presidents of that *Chirotonia*, which was given or made by the Suffrage of the People.

WHEREFORE the *Greek* is thus render'd by these several Translations of the Bible.

That of *Zurich*,

WHEN they had created them Elders by Suffrages in every Congregation.

That of *Beza*,

WHEN they had created them Elders by Suffrages in every Congregation.

The *French*,

WHEN by the advice of the Assemblies they had establish'd Elders.

The *Italian*,

WHEN by the advice of the Congregation they had constituted them Elders,

That of *Diodati*,

WHEN they had ordain'd them in every Church by the common votes of the Elders.

That appointed by the Synod of *Dort*,

WHEN in each Church, by the holding up of Hands, they had elected Presbyters.

That us'd in *England* from the time of the Reformation till the Episcopal correction of the same,

WHEN they had ordain'd them Elders by election in every Congregation.

I N D E E D

INDEED the circumstance of the Place forbids any other construction of the words; for if the Suffrage or *Chirotonia* (which were scarce sense) related to the Apostles only, what needed they have done that in every Congregation or Church, which they might have done in any Chamber or Closet? The circumstance of the Action forbids any other construction; for the People were assembled upon occasion of Election or Creation of Officers, which thing does not use to be done in Assemblies gathered for Divine Service: besides, these Congregations were not always of one mind, but sometimes for sacrificing to the Apostles, sometimes for stoning them, which are acts of Power; wherefore they were Political Assemblies. Now these consisting also of a People, that had in their Cities (*quandam αυτονομίαν*) the government of themselves, hence arises the strongest circumstance of all, forbidding any interpretation of the Text that might exclude them from election of their own Magistrates, Priests, or Ecclesiastical Elders, such as had been the *Afiarchs*, tho' Heathen Prelates, yet remember'd by the Scripture as affectionate Friends to PAUL; or such as were those, tho' Acts 19. 31. to a better end, now ordain'd by the Apostles. Wherefore GROTIUS, notwithstanding all the art he uses in other places to avoid this sense, giving his note upon the Text, yields, "Tho' chirotonizing may be said of any Election made by one, or by the few; yet to the Election in this place it is probable that the consent of the People was given, no less being imply'd in the beginning of the Chapter, where the Multitude believ'd, where they were stir'd up, where they were evil affected, and where part held with the Jews, and part with the Apostles: " Which shews that the People were active in the business. But, says Dr. SEAMAN, *There is difference between the Consent of the People, and the Power of the People*: which is not to understand the case in controversy, nor to take notice that the People whereof we are speaking were under Popular Government: for wherever the People are under Popular Government, between that which is done by their consent, and that which is done (*jussu populi*) by their power, there is no difference. How should the People give their consent, but by their Suffrage? or what difference, where they have Power, can there be between the Suffrage, and the Power of the People?

Dr. HAMMOND upon this point is far more quaint: where the Scripture says, that the *Multitude were evil affected*, and where *part held with the Jews, and part with the Apostles*, he thinks it e'en like enough: But where it is said that *a great Multitude of the Jews, and also of the Greeks believ'd*, he seems to have no opinion of it: for, says he, "It is evident that Believers were at first but few in every Town or City; they were not whole Corporations at once converted, nor consequently could they act in a common capacity: but as CLEMENS ROMANUS says, they that were by the Apostles constituted Bishops and Deacons in several Cities and Regions, were constituted over those that should after believe, there were oft so few at the present. And then, as fast as any did come into the Faith, they readily submitted themselves to those by and under whom they did come in, and were not at all troubl'd (*honest men*) with the consultation or deliberation about the way of electing their Teachers and Guides."

§. 134.

COME away, to leave the Scripture a while, and follow CLEMENS be it so for discourse sake, that in those days there was no where any such thing as *a great Multitude believing*, much less *whole States or*

Book II. *Common-wealths at once converted*, whereby they might still *act in a common capacity*, but only some private or gather'd Congregations or Churches; and that in such it was the Apostles PAUL and BARNABAS chirotoniz'd: yet these, as they were found, or as afterwards they came to be made, must of necessity have been Corporations; for what can a number of Men coming into a Society regulated by certain Laws, Constitutions, or Form, be but a Corporation? Some Ecclesiastical Policy or Discipline they must have had; and that probably, seeing the greatest Legislators, even MOSES himself, have written after Copies, according to some Pattern: what was this Pattern, and whence came it?

§. 125.

"WHY, says he, not from their Heathen Customs, but from the Metropolis; for it must be remember'd, that wheresoever the Gospel was preach'd, it came originally from *Jerusalem*; and then, as

§. 135.

"AGRIPPA in PHILO says of that City, it was the Metropolis, not only of *Judea*, but many other Regions, because of the Colonies thence sent into *Ægypt*, *Phenice*, and both the *Syria's*; nay, to *Pamphylia*, *Cilicia*, and a great part of *Asia*, as far as *Bithynia* and *Pontus*. So in reason the Churches in *Lystra*, *Iconium*, and *Antioch*, where PAUL and BARNABAS ordain'd Elders, were to follow the pattern at *Jerusalem*; and there, we know, it was not by the Suffrage of the People, that an Elder was assum'd into the Sanhedrim, but the Prince or Head of the Sanhedrim receiv'd him in by Imposition of Hands. It will be much more reasonable to deduce the circumstances of ordaining Elders from the Customs familiar to them that preach'd the Faith to them, than from the former usages of them to whom it was preach'd, who were not to dispute, but to believe, and receive the Institutions as well as Doctrines which were brought them."

Philo de legatione ad Caium.

THESE, methinks, are strange Arguments: The Gospel came to us from *Rome*, is *Rome* therefore the Metropolis of *England*? It is true AGRIPPA being a *Jew*, and writing to CALIGULA in the behalf of the *Jews*, not of the Christians, tells him, *That Jerusalem is the Metropolis of the Jews, and of all their Colonies*; so is *London* of the *English*, and of all their Colonies: but does it follow from hence that either *Jerusalem* or *London* is the Metropolis of Christendom? But the *Jews* had many Colonies in *Asia*; and therefore the Churches of *Lystra*, *Iconium*, and *Antioch* were to follow the pattern at *Jerusalem*. The *Jews* indeed had Synagogues in *Iconium* and *Lystra*, as the *French* have Churches in *England*; but is this a good argument, The *French* have Churches in *England*, therefore the *English* are to follow the Orders of the *French* Church? The *Jews* withstood the Gospel at *Iconium*; for, says the Text, *the Multitude of the City was divided, and part held with the Jews, and part with the Apostles*: therefore the believing *Iconians* must have acknowledg'd *Jerusalem* to be their Metropolis, and were to follow the pattern of that City: And what was that? Why *there we know it was not by the Suffrages of the People that an Elder was assum'd into the Sanhedrim, but the Prince or Head of the Sanhedrim receiv'd him in by Imposition of Hands*. The Government of the *Iconians* was Popular, that of the *Jews* was Aristocratical; therefore the *Iconians* receiving the Christian Faith, were bound to change their Democracy into Aristocracy. The Apostles, to comply with an Oligarchy, had alter'd that Ordination, which originally (as at the Election of MATTHIAS) was popular, to Aristocracy; therefore being now to plant the Gospel in a free State, they might not alter it from Aristocracy to Democracy: To please the *Jews* they might change for the worse; therefore

Acts 14. 4.

therefore to please the *Iconians* they might not change for the better, Chap. 5. but must tell the People plainly, *That they were not to dispute, but to believe, and receive the Institutions as well as Doctrines that were brought them from the Metropolis.* How would this sound to a People that understood themselves?

Sic volo, sic jubeo, stat pro ratione voluntas.

THE right temper of a Metropolitan, to whom Popular Power is a Heathen Custom, and with whom nothing will agree but Princeing of it in the Senate: But with the Apostles it was otherwise, who making no words of the *Chirothesia* where it was needless, were glad of this occasion to chirotonize, or elect *them Elders in every Congregation* by Popular Suffrage. But this, they will say, is not to come off from the haunt, but to run still upon the People in a common or public capacity. Tho' the Scripture speaks of great Multitudes believing, believe it there is no such thing: CLEMENS says they were very few, *their Assemblies private, and very scanty things.* As private as they were, by the judgment of Divines they were, it seems, to receive from their Pattern (if that were the Sanhedrim) a Form that was public enough; and why might not they have receiv'd this from that public Form whereto they were accusom'd, rather than from a foreign Policy, and one contrary to their Customs? why should they suffer such Power in new and private, as they would not indure in their old and public Magistrates? Or, if they receiv'd the Scriptures, why should they choose that Ordination which would fit them worst, rather than that which would fit them best? that of TIMOTHY rather than that of MATTHIAS? Or, let their Assemblies have been never so private or scanty, yet if the Apostles *chirotoniz'd them Elders in every Congregation*, is it not demonstrable that they did receive that of MATTHIAS, and not that of TIMOTHY?

THUS much for the Propagation of the pure, or first kind of Ecclesiastical Policy to the Cities of *Lycaonia*. The mix'd or second kind into which (the Christian Presbytery delighting to follow the steps of the *Jewish*) the former might soon degenerate, continu'd in the primitive Church, to speak with the least (for WALLEUS brings it down to CHARLES the Great) three hundred years after CHRIST: which Assertion in Mr. HOBBS, prov'd out of AMMIANUS MARCELLINUS, Dr. HAMMOND has either willingly overseen, or includes in this Answer, it is *most visibly void of all appearance of Truth.* Wherefore to the Quotation mention'd I shall add the words of PLATINA: DAMASUS the second, by Nation a Bavarian, *firm'd BAGNIARIUS, or as some will POPO, possess'd himself of the Papacy by force, and without consent of the Clergy and of the People.* Now what can be clearer than that by this place the Clergy and the People had hitherto a right to elect the Pope? The Doctor comes near the word of defiance to Mr. HOBBS, in a matter of fact so apparent to any judgment, that I need not add what goes before in the Life of CLEMENT the second; where the Emperor engages the People of Rome not to meddle with the Election of the Pope without his express Command: nor what follows after in LEO the Ninth, where the whole power of Election was now confer'd by the Emperor upon the Clergy. Again, VICTOR the second, says the same Author, *obtain'd the Papacy rather by favour of the Emperor, than by free Suffrages of the Clergy and the People of Rome, who apprehended the power of the Emperor, whose displeasure they had sometime incurr'd by creating Popes.* So then the People, it is clear, had hitherto created

Book II.

created the Popes. The power of Election thus in the whole Clergy came afterwards, as at this day, to be restrain'd to the Cardinals only; and so to devolve into the third kind of Ordination exactly correspondent to the Sanhedrim, and their *Chirothesia*, as it was exercis'd among the converted *Jews*, when TIMOTHY was ordain'd by the laying on of the Hands of the Presbytery.

NOW this is that with which, of all others, Divines are so enamour'd, that they will not endure it should be said there is any other: It is also propitious above all the rest to Monarchy, as that which according to the inherent nature or impotence of Oligarchy, must have a Prince at home or abroad to rest upon, or become the inevitable Prey of the People. Herein lies the *Arcanum* or Secret of that Antipathy which is between a Clergy and a Popular Government, and of that Sympathy which is between the Miter and the Crown. A Prince receiving a Clergy with the Monopoly of their *Chirothesia*, has no more to do than to make a Metropolitan, by whom he governs them, and by them the People, especially if he endows them with good Revenues; for so they become an Estate of his Realm, and a more steady Pillar of his Throne than his Nobility themselves, who as their dependence is not so strong, are of a more stirring nature. This is the *Gothic Model*, from whence we had our Pattern, and in which *No Bishop, no King*.

THUS for the dignity of Ecclesiastical Policies, whether in Scripture or Human Prudence, Popular Government you see is naturally inclin'd to the very best, and the spiritual Aristocracy to the very worst. It is also remarkable that the Political Balance extends it self to the decision of the question about Ordination: For as a People never offer'd to dispute with a well-balanc'd Clergy, so a Clergy dismount-ed never gain'd any thing by disputing with the People. As to the question of Empire or Government (*I propheti disarmati Revivano*) the Apostles became all things to all.

His own words
to Mr. Hobs
§. 122.

THUS beyond all measure improsperous are this Divine's Undertakings against Mr. HOBBS, and the Undertakings of Divines upon this Subject.

Advertisement to the Reader, or Direction to the Answerer.

THE Answer of this Book must lie in proving that the Apostles at the several times and places mention'd, introduc'd but one way of Ordination, and that the same to which Divines now pretend: or if the Apostles divided, that is to say, introduc'd divers ways of Ordination, then the People or Magistrate may choose.

I HAVE taken the more leisure and pains to state, I think, all the Cases of Controversy that can arise out of the Common-wealth of *Oceana*, as you have seen in these two Books, to the end I may be no more oblig'd to write, and yet not omit writing on any occasion that shall be offer'd; for if my Principles be over-thrown (which when I see, I shall most ingenuously confess with thanks to the Author) such an acknowledgement will lie in a little room; and this failing, I am deceiv'd if I shall not now be able to shew any Writer against me that his Answer is none, within the compass of three or four sheets.

THIS also will be the fittest way for Boys-play, with which I am sure enough to be entertain'd by the quibbling University men; I mean a certain busy Gang of 'em, who having publickly vaunted that they would bring 40 examples against the Balance, and since laid their Caps together about it, have not produc'd one. These vaunts of theirs offering prejudice to truth and good Principles, were the cause why they were indeed press'd to shew some of their skill; not that they were thought fit Judges of these things, but first that they had declar'd themselves so, and next that they may know they are not.

An

An Answer to three Objections against Popular Government, that were given me after these two Books were printed.

MONARCHICAL Government is more natural, because we see even in Common-wealths that they have recourse to this, as Lacedemon in her Kings; Rome both in her Consuls and Dictators; and Venice in her Dukes. Object. 1.

GOVERNMENT, whether Popular or Monarchical, is equally artificial; wherefore to know which is more natural, we must consider what piece of Art comes nearest to Nature: as for example, whether a Ship or a House be the more natural; and then it will be easy to resolve that a Ship is the more natural at Sea, and a House at Land. In like manner where one man or a few men are the Landlords, a Monarchy must doubtless be the more natural; and where the whole People are the Landlords, a Common-wealth: for how can we understand that it should be natural to a People, that can live of themselves, to give away the means of their livelihood to one or a few men that they may serve or obey? Each Government is equally artificial in effect, or in itself; and equally natural in the cause, or the matter upon which it is founded. Answer.

A COMMON-WEALTH consists of the Senate proposing, the People resolving, and the Magistracy executing; so the Power of the Magistrates (whether Kings as in *Lacedemon*, Consuls as in *Rome*, or Dukes as in *Venice*) is but barely executive: but to a Monarch belongs both the Result, and Execution too; wherefore that there have been Dukes, Consuls, or Kings in Common-wealths (which were quite of another nature) is no Argument that Monarchical Government is for this cause the more natural.

AND if a man shall instance in a mix'd Government, as King and Parliament; to say, that the King in this was more natural than the Parliament, must be a strange Affirmation.

TO argue from the *Roman* Dictator (an Imperfection which ruin'd that Common-wealth, and was not to be found in any other) that all Common-wealths have had the like recourse in exigencies to the like remedy, is quite contrary to the universal Testimony of Prudence or Story.

A MAN who considers that the Common-wealth of *Venice* has stood one thousand years (which never any Monarchy did) and yet shall affirm that Monarchical Government is more natural than Popular, must affirm that a thing which is less natural may be more durable and permanent than a thing that is more natural.

WHETHER is a Government of Laws less natural than a Government of Men? or is it more natural to a Prince to govern by Laws or by Will? Compare the Violences and bloody Rapes perpetually made upon the Crown, or Royal Dignity in the Monarchies of the *Hebrews* and the *Romans*, with the State of the Government under either Common-wealth, and tell me which was less violent, or whether that which is more violent must therefore be more natural.

Object 2. *THE Government of Heaven is a Monarchy, so is the Government of Hell.*

Answer.

*IN this, says MACHIAVEL, Princes lose themselves and their Empire, that they neither know how to be perfectly good, nor intirely wicked. He might as well have said, that a Prince is always subject to Error and Misgovernment, because he is a Man, and not a God, nor a Devil, A Shepherd to his Flock, a Plowman to his Team, is a better Nature; and so not only an absolute Prince, but as it were a God. The Government of a better or of a superior Nature, is to a worse or inferior as the Government of God. The Creator is another and a better Nature than the Creature; the Government in Heaven is of the Creator over his Creatures, that have their whole dependence upon him, and subsistence in him. Where the Prince or the Few have the whole Lands, there is somewhat of dependence resembling this; so the Government there must of necessity be Monarchical or Aristocratical: But where the People have no such dependence, the causes of that Government which is in Heaven are not in Earth; for neither is the Prince a distinct or better Nature than the People, nor have they their subsistence by him, and therefore there can be no such effect. If a Man were good as God, there is no question but he would be not only a Prince but a God; would govern by Love, and be not only obey'd but worship'd: or if he were ill as the Devil, and had as much power to do mischief, he would be dreaded as much, and so govern by Fear. To which latter, the Nature of Man has so much nearer approaches, that tho' we never saw upon Earth a Monarchy like that of Heaven, yet it is certain the perfection of the *Turkish* Policy lies in this, that it comes nearest to that of Hell.*

Object 3. *GOD instituted a Monarchy, namely in MELCHIZEDEC, before he instituted a Common-wealth.*

Answer.

*IF MELCHIZEDEC was a King, so was ABRAHAM too; tho' one that paid him Tithes, or was his Subject: for ABRAHAM made War, or had the power of the Sword, as the rest of the Fathers of Families he fought against. So if CANAAN was a Monarchy in those days, it was such a one as *Germany* is in these; where the Princes also have as much the right of the Sword as the Emperor, which comes rather (as has been shewn already) to a Common-wealth. But whether it were a Monarchy or a Common-wealth, we may see by the present state of *Germany* that it was of no very good Example; nor was MELCHIZEDEC otherwise made a King by God than the Emperor, that is, as an Ordinance of Man.*

THE
ART
OF
LAW-GIVING:

In Three BOOKS.

The First, shewing the Foundations and Superstructures
of all kinds of Government.

The Second, shewing the Frames of the Common-
wealths of *Israel*, and of the *Jews*.

The Third, shewing a Model fitted to the present State,
or Balance of this Nation.

The Order of the Work.

The First Book.

THE Preface, *considering the Principles, or Nature of Family Governments.*

CHAP. I. *Considering the Principles, or Balance of National Governments; with the different kinds of the same.*

CHAP. II. *Shewing the variation of the English Balance.*

CHAP. III. *Of the fixation of the Balance, or of Agrarian Laws.*

CHAP. IV. *Shewing the Superstructures of Governments.*

THE Conclusion, *observing that the Principles of Human Prudence being good without proof out of Scripture, are nevertheless such as are proveable out of Scripture.*

The Second Book.

THE Preface, *shewing that there were Common-wealths before that of Israel.*

CHAP. I. *Shewing that Israel was a Common-wealth.*

CHAP. II. *Shewing what Common-wealth Israel was.*

CHAP. III. *Shewing the Anarchy, or state of the Israelites under their Judges.*

CHAP. IV. *Shewing the State of the Israelites under their Kings to the Captivity.*

CHAP. V. *Shewing the state of the Jews in Captivity, and after their return from Captivity; or the frame of the Jewish Common-wealth: and in that the Original of Ordination.*

CHAP. VI. *Shewing how Ordination was brought into the Christian Church, and the divers ways of the same at divers times in use with the Apostles.*

THE Conclusion, *Shewing that neither God, nor Christ, or the Apostles ever instituted any Government Ecclesiastical or Civil, upon any other Principles than those only of Human Prudence.*

The Third Book.

THE Preface, *Containing a Model of Popular Government, propos'd notionally.*

CHAP. I. *Containing the Civil part of the Model, propos'd practicably.*

CHAP. II. *Containing the Religious part of the Model, propos'd practicably.*

CHAP. III. *Containing the Military part of the Model, propos'd practicably.*

CHAP. IV. *Containing the Provincial part of the Model, propos'd practicably.*

THE Conclusion, *Shewing how the Model may be prov'd or examin'd; and giving a brief Answer to Mr. WREN's last Book, intitl'd, Monarchy asserted, &c.*

THE
 FIRST BOOK,
 SHEWING THE
 FOUNDATIONS
 AND
 SUPERSTRUCTURES
 Of all kinds of
 GOVERNMENT.

If this Age fails me, the next will do me Justice.

The PREFACE,

Considering the Principles or Nature of Family Government.

DIVINES, and the like studious Assertors of Monarchy, have not laid their Principles so fairly, while they have conceal'd one part from the right of Paternity, or from the Government of Families, which may be of two kinds; whereas they have taken notice but of one: For Family Government may be as necessarily Popular in some cases, as Monarchical in others.

TO shew now the nature of the Monarchical Family. Put the case a man has one thousand Pounds a year, or thereabouts; he marries a Wife, has Children and Servants depending upon him (at his good will) in the distribution of his Estate for their livelihood. Suppose then that this Estate comes to be spent or lost, where is the Monarchy of this Family? But if the Master was no otherwise Monarchical then by virtue of his Estate, then the foundation or balance of his Empire consisted in the thousand pounds a year.

THAT from these principles there may also be a Popular Family, is apparent: For suppose six or ten, having each three hundred pounds a year, or so, shall agree to dwell together as one Family; can any one of these pretend to be Lord and Master of the same, or to dispose of the Estates of all the rest? Or do they not agree together upon such Orders, to which they consent equally to submit? But if so, then certainly

Book I.

*Government
of Laws, and
Government
of Men.*

tainly must the Government of this Family be a Government of Laws or Orders, and not the Government of one, or of some three or four of these men.

YET the one Man in the Monarchical Family giving Laws, and the many in the Popular Family doing no more, it may in this sense be indifferently said, That all Laws are made by Men. But it is plain that where the Law is made by one Man, there it may be unmade by one man; so that the Man is not govern'd by the Law, but the Law by the Man; which amounts to the Government of the Man, and not of the Law: Whereas the Law being not to be made but by the Many, no man is govern'd by another man, but by that only which is the common interest; by which means this amounts to a Government of Laws, and not of Men.

*The Facility
that is in true
Politicks.*

THAT the Politicks may not be thought an unnecessary or difficult Art, if these Principles be less than obvious and undeniable, even to any Woman that knows what belongs to house-keeping, I confess I have no more to say. But in case what has been said be to all sorts and capacities evident, it is most humbly submitted to Princes and Parliaments, whether, without violence or removing of Property, they can make a Popular Family of the Monarchical, or a Monarchical Family of the Popular? Or, whether that be practicable or possible in a Nation, upon the like balance or foundation in Property, which is not in a Family? A Family being but a smaller Society or Nation, and a Nation but a greater Society or Family.

*The difference
between a So-
vereign Lord,
and a Magi-
strate, tho' su-
preme.*

THAT which is usually answer'd to this point, is, That the fix or ten, thus agreeing to make one Family, must have some Steward; and to make such a Steward in a Nation, is to make a King. But this is to imagine that the Steward of a Family is not answerable to the Masters of it, or to them upon whose Estates (and not upon his own) he defrays the whole Charge: For otherwise this Stewardship cannot amount to Dominion, but must come only to the true nature of Magistracy, and indeed of annual Magistracy in a Commonwealth; seeing that such accounts in the year's end, at farthest, use to be calculated, and that the Steward, Body and Estate, is answerable for the same to the Proprietors or Masters; who also have the undoubted right of constituting such another Steward or Stewards as to them shall seem good, or of prolonging the Office of the same.

*Where the art
of Lawgiving
is necessary.*

NOW, where a Nation is cast, by the unseen ways of Providence into a disorder of Government, the duty of such particularly as are elected by the People, is not so much to regard what has been, as to provide for the Supreme Law, or for the safety of the People, which consists in the true Art of Law-giving.

*The art of
Lawgiving is
of two kinds.*

THE Art of Law-giving is of two kinds; the one (as I may say) false, the other true. The first consists in the reduction of the Balance to Arbitrary Superstructures; which requires violence, as being contrary to Nature: The other in erecting necessary Superstructures, that is, such as are conformable to the Balance or Foundation; which, being purely natural, requires that all interposition of Force be remov'd.



CHAP. I.

Considering the Principles or Balance of National Governments; with the different kinds of the same.

THE Heaven, says DAVID, *even the Heavens are the Lords; but the Earth has he given to the Children of Men:* Yet, says God to the Father of these Children, *In the sweat of thy Face shalt thou eat thy Bread. Dii laborantibus sua munera vendunt.* This Donation of the Earth to Man comes to a kind of selling it for INDUSTRY, a Treasure which seems to purchase of God himself. From the different kinds and successes of this Industry, whether in Arms, or in other Exercises of the Mind or Body, derives the natural equity of Dominion or Property; and from the legal establishment or distribution of this Property (be it more or less approaching towards the natural equity of the same) proceeds all Government.

*Psalm. 115. 16.
The Original
of Property.
Gen. 3. 19.*

THE distribution of Property, so far as it regards the nature or procreation of Government, lies in the over-balance of the same: Just as a man, who has two thousand pounds a year, may have a Retinue, and consequently a Strength, that is three times greater than his who enjoys but five hundred pounds a year. Not to speak at this time of Money, which in small Territories may be of a like effect; but to insist upon the main, which is Property in Land, the over-balance of this, as it was at first constituted, or comes insensibly to be chang'd in a Nation, may be especially of three kinds; that is, in One, in the Few, or in the Many.

*The balance of
Empire consists
in Property.*

THE over-balance of Land, three to one or thereabouts, in one Man against the whole People, creates Absolute Monarchy; as when JOSEPH had purchas'd all the Lands of the *Ægyptians* for PHARAOH. The Constitution of a People in this and such cases, is capable of entire servitude. *Buy us and our Land for Bread, and we and our Land will be Servants to PHARAOH.*

*The generation
of Absolute
Monarchy.*

Gen. 47. 19.

THE over-balance of Land to the same proportion, in the Few against the whole People, creates Aristocracy, or Regulated Monarchy, as of late in *England*: And hereupon says SAMUEL to the People of *Israel*, when they would have a King, *He will take your Fields, even the best of them, and give them to his Servants.* The constitution of a People in this and the like cases, is * neither capable of intire Liberty, nor of intire Servitude.

*The generation
of Regulated
Monarchy.*

1 Sam. 8.

THE over-balance of Land to the same proportion in the People, or where neither one nor the few over-balance the whole People, creates Popular Government; as in the division of the Land of *Canaan* to the whole People of *Israel* by lot. The constitution of a People in this and the like cases, is capable of intire Freedom, nay, not capable of any other settlement; it being certain, that if a Monarch, or single Person in such a State, thro' the corruption or improvidence of their Councils, might carry it; yet by the irresistible force of Nature, or the reason alledg'd by MOSES (*I am not able to bear all this People*

*The generation
of Popular Go-
vernment.*

Numb. 11. 14.

* Nec totam libertatem nec totam servitutem pati possunt. Tacit.

Book I. alone, because it is too heavy for me) he could not keep it; but out of the deep Waters would cry to them, whose feet he had stuck in the mire.

Of the Militia, and of the Negative Voice. WHEREVER the balance of a Government lies, there naturally is the Militia of the same; and against him or them wherein the Militia is naturally lodg'd, there can be no negative Vote.

IF a Prince holds the over-balance, as in *Turky*, in him is the Militia, as the Janizaries and Timariots. If a Nobility has the over-balance, the Militia is in them, as among us was seen in the Barons Wars, and those of *York* and *Lancaster*; and in *France* is seen, when any considerable part of that Nobility rebelling, they are not to be reduc'd, but by the major part of their Order adhering to the King.

Judg. 20. IF the People has the over-balance, which they had in *Israel*, the Militia is in them; as in the four hundred thousand first decreeing, and then waging War against *Benjamin*: Where it may be enquir'd, what Power there was on earth having a Negative Voice to this Assembly? This always holds where there is Settlement, or where a Government is natural. Where there is no Settlement, or where the Government is unnatural, it proceeds from one of these two causes; either an imperfection in the Balance, or else such a corruption in the Law-givers, whereby a Government is instituted contrary to the Balance.

Imperfect Government.

IMPERFECTIONS of the Balance, that is, where it is not good or down weight, cause imperfect Governments; as those of the *Roman* and of the *Florentine* People, and those of the *Hebrew* Kings and *Roman* Emperors, being each exceeding bloody, or at least turbulent.

Tyranny.
Oligarchy,
Anarchy.

GOVERNMENT against the balance in One, is Tyranny, as that of the *Athenian* PISISTRATUS: in the Few it is Oligarchy, as that of the *Roman* DECENVIRS; in the Many Anarchy, as that under the *Neapolitan* MAZINELLO.

The Divine right of Government.

WHEREVER, thro' Causes unforeseen by Human Providence, the Balance comes to be entirely chang'd, it is the more immediately to be attributed to Divine Providence: And since God cannot will the necessary cause, but he must also will the necessary effect or consequence, what Government soever is in the necessary direction of the Balance, the same is of Divine Right. Wherefore, tho' of the *Israelites* God says,

Hof. 8. 4.

They have set up Kings, but not by me; they have made Princes, and I knew it not; yet, to the small Countries adjoining to the Assyrian Em-

Jer. 27. 6, 17.

pire, he says, Now have I given all these Lands into the hand of the King of Babylon my Servant—Serve the King of Babylon, and live.

CHAP. II.

Shewing the variation of the English Balance.

THE Land in possession of the Nobility and Clergy of *England*, till *HENRY 7th*, cannot be esteem'd to have over-balance'd those held by the People less than four to one. Whereas in our days, the Clergy being destroy'd, the Lands in possession of the People over-balance those held by the Nobility, at least, nine in ten. In shewing how this change came about, some would have it that I assume to my self more than my share; tho' they do not find me delivering that which must rely upon Authority, and not vouching my Authors. But *HENRY* the Seventh being conscious of infirmity in his Title, yet finding

finding with what strength and vigour he was brought in by the Nobility, conceiv'd jealousies of the like Power in case of a decay or change of Affections. *Nondum orbis adoraverat Romam.* The Lords yet led Country lives, their Houses were open to Retainers, Men experienc'd in Military Affairs, and capable of commanding; their Hospitality was the delight of their Tenants, who by their Tenures or Dependence were oblig'd to follow their Lords in Arms. So that, this being the Militia of the Nation, a few Noblemen discontented could at any time levy a great Army; the effect whereof, both in the Barons Wars, and those of York and Lancaster, had been well known to divers Kings. This state of Affairs was that which enabl'd HENRY the Seventh to make his advantage of troublesome times, and the frequent unruliness of Retainers; while, under the pretence of curbing Riots, he obtain'd the passing of such Laws as did cut off these Retainers, whereby the Nobility wholly lost their Officers. Then, whereas the dependence of the People upon their Lords was of a strict tie or nature, he found means to loosen this also by Laws, which he obtain'd upon as fair a pretence, even that of Population. Thus *Farms were so brought to a standard, that the Houses being kept up, each of them did of necessity enforce a Dweller; and the proportion of Land laid to each House, did of necessity enforce that Dweller not to be a Beggar or Cottager, but a man able to keep Servants, and set the Plow on going. By which means a great part of the Lands of this Nation came in effect to be amortiz'd to the hold of the Yeomanry, or middle People, whereof consisted the main body of the Militia, hereby incredibly advanc'd; and which henceforth, like cleaner underwood less choak'd by their staddles,* began to grow exceedingly. But the Nobility, who by the former Laws had lost their Offices, by this lost their Soldiery. Yet remain'd to them their Estates, till the same Prince introducing the Statutes for Alienations, these also became loose; and the Lords less taken (for the reasons shewn) with their Country lives, where their Trains were clip'd, by degrees became more resident at Court, where greater pomp and expence by the Statutes of Alienations began to plume them of their Estates. The Court was yet at *Bridewell*, nor reach'd *London* any farther than *Temple-Bar*. The latter growth of this City, and in that, the declining of the Balance to Popularity, derives from the decay of the Nobility and of the Clergy. In the Reign of the succeeding King were Abbies (than which nothing more dwarfs a People) demolish'd. I did not, I do not attribute the effects of these things thus far to my own particular observation; but always did, and do attribute a sense thereof to the Reign of QUEEN ELIZABETH, and the Wisdom of her Council. There is yet living Testimony, that the ruin of the *English* Monarchy, thro' the causes mention'd, was frequently attributed to HENRY the Seventh by Sir HENRY WOTTON; which Tradition is not unlike to have descended to him from the Queen's Council. But there is a difference between having the sense of a thing, and making a right use of that sense. Let a man read PLUTARCH in the Lives of AGIS, and of the GRACCHI, there can be no plainer demonstration of the *Lacedemonian* or *Roman* Balance; yet read his Discourse of Government in his Morals, and he has forgot it: he makes no use, no mention at all of any such thing. Who could have been plainer upon this point than Sir WALTER RALEIGH, where, to prove that the Kings of *Egypt* were not elective but hereditary, he alledges that if the

Verulam. H. 7

Book I.

Hist. of the
World, part 1.
p. 200.

M.D.I.I.b.10

The great Council of Venice
has the Sovereign Power,
and the Duke
the Sovereign
Dignity.

M.D.I.I.c.5.

Kings of *Egypt* had been elective, *the Children of PHARAOH must have been more mighty than the King, as Landlords of all Egypt, and the King himself their Tenant?* Yet when he comes to speak of Government, he has no regard to, no remembrance of any such Principle. In Mr. SELDEN'S Titles of Honour, he has demonstrated the *English* Balance of the Peerage, without making any application of it, or indeed perceiving it there, or in times when the defect of the same came to give so full a sense of it. The like might be made apparent in ARISTOTLE, in MACHIAVEL, in my Lord VERULAM, in all, in any Politician: there is not one of them in whom may not be found as right a sense of this Principle as in this present Narrative; or in whom may be found a righter use of it than was made by any of the Parties thus far concern'd in this story, or by QUEEN ELIZABETH and her Council. *If a Prince, says a great Author, to reform a Government were oblig'd to depose himself, he might, in neglecting of it, be capable of some excuse; but reformation of Government being that with which a Principality may stand, he deserves no excuse at all.* It is not indeed observ'd by this Author that where by reason of the declination of the Balance to Popularity, the State requires Reformation in the Superstructures, there the Prince cannot rightly reform, unless from Sovereign Power he descends to a Principality in a Common-wealth: nevertheless upon the like occasions this fails not to be found so in Nature and Experience. The growth of the People of *England*, since the ruins mention'd of the Nobility and the Clergy, came in the Reign of QUEEN ELIZABETH to more than stood with the interest, or indeed the nature or possibility of a well founded or durable Monarchy; as was prudently perceiv'd, but withal temporiz'd by her Council, who (if the truth of her Government be rightly weigh'd) seem rather to have put her upon the exercise of Principality in a Common-wealth, than of Sovereign Power in a Monarchy. Certain it is, that she courted not her Nobility, nor gave her mind (as do Monarchs seated upon the like foundation) to balance her great Men, or reflect upon their Power now inconsiderable; but rul'd wholly, with an art she had to high perfection, by humouring and blessing her People. For this mere shadow of a Common-wealth is she yet famous, and shall ever be so; tho' had she introduc'd the full perfection of the Orders requisite to Popular Government, her fame had been greater. First, She had establish'd such a Principality to her Successors, as they might have retain'd. Secondly, This Principality (the Common-wealth, as *Rome* of ROMULUS, being born of such a Parent) might have retain'd the Royal Dignity and Revenue to the full, both improv'd and discharg'd of all Envy. Thirdly, It had sav'd all the Blood and Confusion, which thro' this neglect in her and her Successors, has since ensu'd. Fourthly, It had bequeath'd to the People a Light not so naturally by them to be discover'd, which is a great pity. For even as the many, thro' the difference of opinions that must needs abound among them, are not apt to introduce a Government, as not understanding the good of it: so the Many, having by trial or experience once attain'd to this understanding, agree not to quit such a Government. And lastly, It had plac'd this Nation in that perfect felicity, which, so far as concerns mere Prudence, is in the power of human nature to enjoy. To this Queen succeeded King JAMES, who likewise regardless of this point (into which nevertheless he saw so far as not seldom to prophesy

prophecy sad things to his Successors) neither his new Peerage, which in abundance he created, nor the old avail'd him any thing against that dread wherein, more freely than prudently, he discover'd himself to stand of Parliaments, as now mere Popular Councils, and running to popularity of Government like a Bowl down a hill; not so much, I may say, of Malice prepens'd, as by natural instinct, whereof the Petition of Right, well consider'd, is a sufficient Testimony. All persuasion of Court Eloquence, all patience for such, as but look'd that way, was now lost. There remain'd nothing to the destruction of a Monarchy, retaining but the Name, more than a Prince who by contending should make the People to feel those advantages which they could not see. And this happen'd in the next King, who, too secure in that undoubted right whereby he was advanc'd to a Throne which had no foundation, dar'd to put this to an unseasonable trial; on whom therefore fell the Tower in *Silo*. Nor may we think that they upon whom this Tower fell, were Sinners above all men; but that we, unless we repent, and look better to the true foundations, must likewise perish. We have had latter Princes, latter Parliaments. In what have they excel'd, or where are they? The Balance not consider'd, no effectual work can be made as to settlement; and consider'd, as it now stands in *England*, requires to settlement no less than the Superstructures natural to popular Government: and the Superstructures natural to popular Government require no less than the highest skill or art that is in Political Architecture. The sum of which Particulars amounts to this, That the safety of the People of *England* is now plainly cast upon skill or sufficiency in Political Architecture: it is not enough therefore, that there are honest men addicted to all the good ends of a common-wealth, unless there be skill also in the formation of those proper means whereby such Ends may be attain'd. Which is a sad, but a true account; this being in all Experience, and in the judgment of all Politicians, that whereof the Many are incapable. And tho' the meanest Citizen, not informing the Common-wealth of what he knows, or conceives to concern its safety, commits a heinous Crime against God and his Country; yet such is the temper of later times, that a man, having offer'd any light in this particular, has scap'd well enough, if he be despis'd and not ruin'd.

BUT to proceed: if the Balance, or state of Property in a Nation, be the efficient cause of Government, and, the Balance being not fix'd, the Government (as by the present Narrative is evinc'd, must remain inconstant or floating; then the process in the formation of a Government must be first by a fixation of the Balance, and next by erecting such Superstructures as to the nature thereof are necessary.

C H A P. III.

Of Fixation of the Balance, or of Agrarian Laws.

FIXATION of the Balance of Property is not to be provided for but by Laws; and the Laws, whereby such a Provision is made, are commonly call'd *Agrarian* Laws. Now as Governments, thro' the divers Balance of Property, are of divers or contrary natures,

Book II. tures, that is Monarchical or Popular; so are such Laws. Monarchy requires of the standard of Property, that it be vast or great; and of *Agrarian* Laws, that they hinder recess or dimution, at least in so much as is thereby intailed upon Honour: But Popular Government requires, that the standard be moderate, and that its *Agrarian* prevent accumulation. In a Territory not exceeding *England* in Revenue, if the Balance be in more hands than three hundred, it is declining from Monarchy; and if it be in fewer than five thousand hands, it is swerving from a Common-wealth: which as to this point may suffice at present.

It is at present in more hands; but without fixation may come into fewer.

C H A P. VI.

Shewing the Super-structures of Governments.

The Super-structures of Absolute Monarchy.

THAT the Policy or Super-structures of all absolute Monarchs, more particularly of the Eastern Empires, are not only contained, but meliorated in the *Turkish* Government, requires no farther proof than to compare them: but because such a work would not lie in a small compass, it shall suffice for this time to say, that such Super-structures of Government as are natural to an absolute Prince, or the sole Landlord of a large Territory, require for the first story of the Building, that, what Demands he shall think fit to reserve being set apart, the rest be divided into Horse quarters or Military Farms, for life or at will, and not otherwise: And that every Tenant for every hundred pounds a year so held, be, by condition of his Tenure, obliged to attend his Sovereign Lord in Person, in Arms, and at his proper cost and charges, with one Horse, so often and so long as he shall be commanded upon service. These among the *Turks* are called *Timariots*.

Timariots.

Beglerbegs.

THE second requires, that these Horse Quarters, or Military Farms, be divided by convenient Precincts or Proportions into distinct Provinces; and that each Province have one Governor or Commander in chief of the same, at the will and pleasure of his Grand Signior, or for three years and no longer. Such among the *Turks* (unless by additional honours they be called *Bashaws* or *Viziers*) are the Beglerbegs.

Janizaries and Spahys.

FOR the third Story, there must of necessity be a Mercenary Army consisting both of Horse and Foot, for the Guard of the Prince's Person, and for the Guard of his Empire; by keeping the Governors of Provinces so divided, that they be not suffer'd to lay their arms or heads together, or to hold correspondence or intelligence with one another. Which Mercenary Army ought not to be constituted of such as have already contracted some other Interest; but to consist of Men so educated from their very childhood, as not to know that they have any other Parent, or native Country, than the Prince and his Empire. Such among the *Turks* are the Foot call'd *Janizarys*, and the Horse call'd *Spahys*.

The Divan and the Grand Signior.

The Prince accommodated with a Privy Council, consisting of such as have been Governors of Provinces, is the Topstone: This Council among the *Turks* is call'd the *Divan*, and this Prince the *Grand Signior*.

THE

THE Superstructures proper to a regulated Monarchy, or to the Government of a Prince (three or four hundred of whose Nobility, or of whose Nobility and Clergy, hold three parts in four of the Territory) must either be by his personal influence upon the Balance, or by virtue of Orders.

Chap. 4.

The Super-
structures of
Regulated
Monarchy.

IF a Prince, by easing his Nobility of Taxes, and feeding them with such as are extorted from the People, can so accommodate their Ambition and Avarice with great Offices and Commands, that a Party rebelling, he can over-balance and reduce them by a greater part of their own Order, he may have greater Power and less Security, as at present in *France*.

THE safer way of this Government is by Orders; and the Orders proper to it especially consist of a Hereditary Senate of the Nobility, admitting also of the Clergy, and of a Representative of the People made up of the Lords menial Servants, or such as by Tenure and for Livelihood have immediate dependence upon them, as formerly in *England*.

AN Aristocracy, or State of Nobility, to exclude the People must govern by a King; or to exclude a King, must govern by the People: Nor is there, without a Senate or mixture of Aristocracy, any Popular Government. Whence, tho' for discourse sake Politicians speak of pure Aristocracy, and pure Democracy, there is no such thing as either of these in Nature, Art, or Example.

No such thing
as pure Aristoc-
racy, or pure
Democracy.

WHERE the People are not over-balanc'd by one Man, or by the Few, they are not capable of any other Superstructures of Government, or of any other just and quiet settlement whatsoever, than of such only as consists of a Senate as their Counsellors, of themselves or their Representatives as Sovereign Lords, and of a Magistracy answerable to the People, as distributors and executioners of the Laws made by the People. And thus much is of absolute necessity to any or every Government, that is or can be properly call'd a Common-wealth, whether it be well or ill order'd.

The Super-
structures of
Popular Go-
vernment.

BUT the necessary definition of a Common-wealth, any thing well order'd, is, That it is a Government consisting of the Senate proposing, the People resolving, and the Magistracy executing.

Definition of a
well order'd
Common-
wealth.
Distinction of
Magistracy.

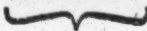
MAGISTRACY is a stile proper to the executive part: yet because in a Discourse of this kind it is hardly avoidable, but that such as are of the proposing or resolving Assemblies, will be sometimes compriz'd under this name or stile, it shall be enough for excuse to say, that Magistracy may be esteem'd of two kinds; the one proper or Executive, the other improper or Legislative.

A SENATE may consist of a Hereditary Order, elective for life by itself, or by some Magistrate or Magistrates of the same; as the Senate of *Rome* consisted of the Patrician Order thereinto eligible, first by the Consuls, and then by the Censors. A Senate may consist of Senators elected by the People for life, as that of *Lacedemon*: It may consist of Senators eligible by the People for terms, without any vacation or interval, as the Senate of *Venice*; or with intervals, as the Senate of *Athens*, which also for another difference was elected by lot.

Senates, and
their kinds.

A POPULAR Assembly may consist of the whole People, as the great Council of *Venice* (for the *Venetians*, tho' call'd, in respect of their Subjects, Nobility, are all that free People which is compriz'd in that Common-wealth) or of a Representative, as in *Israel*. Again, a Representative

Popular As-
semblies, and
their kinds.

Book I.  presentative of the People may be for life, as in the particular Cities or Sovereignities of *Holland*, improperly call'd Senates; or it may be upon Rotation, that is to say, by changes or courses, as that of *Israel*, and the present Representative in *England*; it may also be by lot, as the *Roman* Tribes call'd the Prerogative, and the *Jurevocatæ*.

Supreme Magistrates, and their kinds.

TO speak of Magistrates in a Common-wealth, and all their kinds, were to begin an endless discourse; the present I shall therefore confine to such only as may be call'd Supreme Magistrates. The Supreme Magistracy of a Common-wealth may be in one or more; and it may be for life, or for terms and vacations. In one elective by the People for life; as in the Duke of *Venice*, whose Function is Civil and not Military. In two Hereditarily; as in the two Kings of *Lacedemon*, whose Function was rather Military than Civil. In nine annually elective by the People; as in the nine Princes or Archons of *Athens*. In two annually elected by the People; as the *Roman* Consuls, whose Power was both Military and Civil. In a word, it may be in one or more, for life, or for terms and vacations, as shall best sute with the occasion.

Other differences in Common-wealths.

SOME Common-wealths consist of distinct Sovereignities, as *Switzerland* and *Holland*; others are collected into one and the same Sovereignty, as most of the rest. Again, some Common-wealths have been upon Rotation or Courses in the Representative only, as *Israel*: Others in the Magistracy only, as *Rome*. Some in the Senate and in the Magistracy, as *Athens* and *Venice*: Others in some part of the Magistracy, and in others not; as *Lacedemon* in the *Ephori*, and not in the Kings; and *Venice* not in the Duke, nor in the *Procuratori*, but in all the rest. *Holland*, except in the Election of States Provincial (which is emergent) admits not of any rotation or courses. There may be a Common-wealth admitting of Rotation throughout, as in the Senate, in the Representative, and in the Magistracy; as that propos'd in *Oceana*.

Rotation, or Courses.

ROTATION, if it be a perfect, is equal election by, and succession of the whole People to the Magistracy by terms and vacations.

Popular Election.

EQUAL Election may be by Lot, as that of the Senate of *Athens*; by Suffrage, as that of *Lacedemon*; or by Ballot, as that of *Venice*, which of all others is the most equal.

The Ballot.

THE Ballot, as it is us'd in *Venice*, consists of a Lot; whence proceeds the right of proposing, and of an unseen way of suffrage, or of resolving.

The different Genius of Common-wealths.

FROM the wonderful variety of parts, and the difference of mixture (hitherto scarce touch'd by any) result those admirable differences that are in the Constitution and Genius of Popular Governments; some being for defence, some for increase; some more equal, others unequal; some turbulent and seditious, others, like soft streams, in a perpetual tranquillity.

The cause of Sedition in a Common-wealth.

THAT which causes innate Sedition in a Common-wealth, is Inequality; as in *Rome*, where the Senate oppress the People. But if a Common-wealth be perfectly equal, it is void of Sedition, and has attain'd to perfection, as being void of all internal causes of dissolution.

Definition of an equal Common-wealth.

AN equal Common-wealth is a Government founded upon, a balance which is perfectly Popular, being well fix'd by a futable *Agrarian*; and which from the balance, thro' the free suffrage of the People given

given by the Ballot, amounts in the Superstructures to a Senate debating and proposing, a Representative of the People resolving, and a Magistracy executing: each of these three Orders being upon Courses of Rotation; that is, elected for certain terms, enjoining like Intervals.

SUCH Constitutions in a Government as regard the Frame or Model of it, are call'd Orders; and such things as are enacted by the Legislative Orders, are call'd Laws.

The difference between Laws and Orders.

TO undertake the binding of a Prince from invading Liberty, and yet not to introduce the whole Orders necessary to Popular Government, is to undertake a flat contradiction, or a plain impossibility.

A PEOPLE or Assembly not understanding true Principles, give least credit to the best Orders, and so come to cast themselves upon particular persons: for where Orders are not credited, there Men must be trusted; and where Men are trusted, they find themselves so well in their power, that they are either for bringing in a Common-wealth by degrees, or more probably not at all. The desire of bringing in a Common-wealth by degrees, arises from want of considering that the whole of a Common-wealth, as to charge or trouble, is less than the half. He who has a Journey to go, does not choose to have but half a Bridle, or but one Boot or Stirrup, tho' these be fewer things, and come but to half the charge; because this would but necessitate him to procure more things, and perhaps more chargeable or dangerous.

Hazard thro' the want of Principles.

*Optimus ille animi vindex, lædentia pectus
Vincula qui rupit, dedoluitque semel.*

THE CONCLUSION:

Observing that the Principles of Human Prudence being good without proof of Scripture, are nevertheless such as are provable out of Scripture.

WHO imagines that the Romans govern'd by proof out of Scripture? Yet says PETER, *Submit your selves to (Human Prudence, or) every Ordinance of Man*; which relates more particularly to the Government of the Romans. The most frequent comparison of a Common-wealth is to a Ship; but who imagines that a Ship ought not to be built according to the Art of the Ship-wright, or govern'd according to the Compass, unless these be prov'd out of Scripture? Nevertheless, as hitherto I have prov'd the principles of Human Prudence in the several parts out of Holy Scripture; so I undertake to vindicate them in the whole, as to the intire frame of Popular Government, in the ensuing Book, by the same Authority and undeniable Evidence.

1 Pet. 2. 13.



THE

THE
SECOND BOOK,
CONTAINING THE
COMMON-WEALTHS
OF THE
HEBREW S:

N A M E L Y

ELOHIM, or the Common-wealth of *Israel*;

A N D

CABALA, or the Common-wealth of
the *Jews*.

The P R E F A C E.

Shewing that there were Common-wealths before that
of *Israel*.

HUMAN Prudence is originally a Creature of God, and, with respect to its existence, as antient as human Nature; nor is it so much younger in any of those Effects or Ends for which it was ordain'd by God, that we should think *Israel* to have been the first Common-wealth, or the first Popular Government that ever was, or that was planted at least in *Canaan*: for the like Governments, in the Countries thereabout, there were both before and at the same time. It was in *Canaan*, that MELCHISEDEC, King and Priest of *Salem*, had reign'd during the time of ABRAHAM, who paid him Tithes of all that he had. Now Tithes before *Israel* and the institution of the *Levites*, belong'd not to any sort of Clergy, but to the Prince or State. Whence SAMUEL in the description of a King, tells the People that he will take the tenth of their Goods. Thus ABRAHAM in paying Tithes to MELCHISEDEC, acknowledg'd him for his Prince. Yet had ABRAHAM the right of the Sword, and made War with Kings, as those of *Sodom*, at his own discretion; whence *Canaan* may seem to have been a Common-wealth

Tithes originally belonging to Kings.
1 Sam. 8. 15,
17.

The Common-wealth of Salem.

wealth in those days, much after the manner of *Germany* in ours. The five Lords (perhaps five Tribunes) of the *Philistians* must needs have been some Aristocracy at least of Princes joining in one Body or Common-wealth. So *Venice* in her first Age was under Lords or Tribunes. It is little to be doubted, but the Government of *JETHRO*, King and Priest of *Midian*, was of a like nature with that of *MELCHISEDEC*, or of the *Lacedemonian* Kings, who were also Priests; or that the Counsil he gave to *MOSES* (being for the institution of such Judiciatories as are not proper in a Monarchy) was any other than according to the Orders of his own Common-wealth. And lest these Governments should seem less popular, the Embassadors of the *Gibeonites* coming to *JOSHUA*, say thus; *Our Elders* (or our Senate) *and all the Inhabitants of our Country* (or the popular Assembly of the same) *spoke to us saying, Go meet them, and say to them, We are your Servants: therefore now make a League with us.* To make a League with a foreign Nation evinces Sovereign Power; and that this League was made by the Senate and the People, evinces *Gibeon* to have been a Popular Government. Such a thing then as Popular Government most undeniably there was before *Israel*. Now whether *Israel* were a Popular Government or no, I shall refer to trial by the ensuing Chapter.

Chap. 1.

The Commonwealth of the *Philistians*.

The Commonwealth of *Midian*.

The Commonwealth of the *Gibeonites*.
Joshua 9. 11.

CHAP. I.

Shewing that Israel was a Common-wealth.

IT is said of the *Israelites* that went first into *Egypt*, *All the Souls that came out of the loins of Jacob were seventy Souls*. These becoming so many Fathers of Families, and governing their own Families by Paternal Right, it follows that at first they so govern'd the whole People; yet not with any Sovereign Power (as may be easily thought in a Country that had a Prince of its own) but by way only of direction and advice. The People being thus accusom'd to this way, as any of these seventy came to die, supplied his place with another of their Election; at least for the probability of this opinion, we find mention of *MOSES*, *NADAB*, *ABIHU*, and *seventy of the Elders*, before the institution of the *Israelitish* Senate or Sanhedrim. To these and to the People *MOSES* propos'd his Laws. So I am sure in the * *Latin* it is expressly said, where by our *English* Translation it is thus render'd, *This is the Law* (and by the Law here is meant no less than the whole Book of *Deuternomy*) *which MOSES set before the Children of Israel*, whose Assemblies were not always without faction. For *KORAH*, *DATHAN*, and *ABIRAM*, with two hundred Princes of the Assembly, famous in the Congregation, Men of Renown, bandyed themselves against *MOSES*, and his intended Election of his Brother *AARON* to the hereditary Priesthood, reproaching him (says *JOSEPHUS*) that he went about to dispose of this Honour without the Suffrage of the Congregation, thereby affecting Tyranny, and a fly

Seet 1.

Exod. 1. 5.
The rise of the *Israelitish* Government.
Of the Princes of the Tribes, and Princes of Families.

Exod. 24. 9.

Antiq. 1. 4.
c. 2.

* Hæc est lex quam Moses proposuit, Deut. 4. 44. and whereas betwixt a Precept and a Command there is a large difference; in places more than I can stand to Number, where the Latin has it, præcepit Moses, the English has it, Moses commanded.

Book II. usurpation of the Liberty of the People: which sense also is imply'd by their upbraiding him in Scripture; *Is it a small thing that thou hast brought us up out of the Land that flows with Milk and Honey, to kill us in the Wilderness? except thou makest thyself altogether a Prince over us.* But whereas the Scripture in all this presumes these Incendiaries to have bely'd MOSES, some will have all they thus laid to his charge, to be no more, but less than truth; in as much as they will needs have MOSES not only to have been a King, but to have been a King exercising Arbitrary Power, and such Arbitrary Power as, being without any bounds, fully amounts to Tyranny.

THE word King is not a sufficient definition of the Magistrate so stil'd: Between a *Lacedemonian* King and a *Persian* King, or between either of these and a King of *England*, there was a vast difference. Both the Kings in *Lacedemon* were but as one Duke in *Venice*. The *Venetians* therefore, if it had so pleas'd them, might as well have call'd their Duke a King. Certain it is, that he is not so much in the Common-wealth, as are a few of his Counsellors; and yet all Acts of the Government run in his name, as if there were no Common-wealth.

IT is said (according to our Translation) MOSES *commanded us a Law*, &c. according to the Original, MOSES (propos'd, or) gave us a Law, which is an Inheritance to the Congregation of JACOB. The Duke of *Venice* has a right to propose or give Law in the Congregation or great Council of *Venice*; where he, who sees him sitting, would believe he were a King. And if MOSES were King in *Jesurun* (or *Israel*) it was when the Heads of the People and the Tribes of *Israel* were gather'd together. PAUL, epitomizing the story of the People of *Israel* in his Sermon to the *Antiochian Jews*, shews how God chose their Fathers, exalted the People, destroy'd (for their sakes) seven Nations in the Land of *Canaan*, and divided their Land to them by Lots: but speaks not a word of any King given to them, till expressly after their Judges. But if MOSES were a King, yet that he did not propose, but command by his power the Laws which he gave to *Israel*, does not follow. For DAVID was a King, who nevertheless did no otherwise make any Law than by Proposition to the People, and their free Suffrage upon it. DAVID consulted with the Captains of thousands, and hundreds, and with every Leader (of which Military Discipline of the Congregation of *Israel* more in due place will be shewn) and DAVID said to all the Congregation, *If it seems good to you, and that it be of the Lord our God* (tho' he was a King, and a man after God's own heart, he makes the People Judges what was of God) *let us send abroad to our Brethren every where that are left in all the Land of Israel, and with them also to the Priests and Levites that are in their Cities and Suburbs, that they (to the end this thing may be perform'd with the greatest solemnity) may gather themselves to us, and let us bring the Ark of God to us: for we inquir'd not at it in the days of SAUL.* In the days of ELI the Ark was taken by the *Philistians*, who being smitten till there was a deadly destruction throughout all the City, and their Divines attributing the cause thereof to the detention of the Ark, after seven Months sent it to *Bethshemesh*; whence it was brought to *Kirjath-jearm*, and there lodg'd in the house of AMINADAB, before SAUL was King, where it remain'd till such time as DAVID propos'd (in the manner shewn) to the People the reduction of the same.

Numb. 16.
13.

That Moses
was no King.

Sect. 2.
That Moses
propos'd his
Laws to the
People and
their Suffrage.

Deut. 34. 4.
In what sense
Moses may be
call'd a King.

Ver. 5.

Acts 13.

1 Chron. 13.

1 Sam. 4.

same. Upon this Proposition, the People giving Suffrage are unani- Chap. 1.
mous in their result; *All the Congregation said, that they would do so* (not ^{1 Chron. 13.4.}
that they could do no otherwise by a King, for they did not the like
by REHOBOAM, but that) *the thing was right in the eyes of all the*
People. Moreover, DAVID and the Captains of the Host separated to Chap. 25.
the Service some of the Sons of ASAPH, and of HEMAN, and of JE-
DUTHUN, who should prophesy with Harps, with Psalteries and with
Cymbals; that is, propos'd these Laws for Church Discipline, or Offices
of the Priests and Levites, to the same Representative of the People:
of which more in other places. Thus much in this, to shew, that if
MOSES were a King, it does not follow that he propos'd not his
Laws to a Congregation of the People having the power of Result.
To say that the Laws propos'd by MOSES were the Dictate of God,
is not to evade, but to confirm the necessity of proposing them to the
People, seeing the Laws or Dictates of God or of CHRIST, can no
otherwise be effectually receiv'd or embrac'd by a People, or by a
private man, than by the free suffrage of the Soul or Conscience; and
not by Force or Rewards, which may as well establish the Laws of
the Devil.

BUT for another way, such a one as it is, of crowning MOSES, Sect. 3.
some are positive that there lay an appeal from the seventy Elders to *That there lay*
Him. Now the Command of God to MOSES for the institution of *no appeal from*
the Seventy, is this: *Gather to me seventy men of the Elders of Israel—* *the 70 Elders*
that they may stand with thee. Upon which words let me ask, whether *to Moses.*
had MOSES thenceforth a distinct or a joint political Capacity? If *Numb. 11.16.*
the Seventy stood with MOSES, or it were a joint Capacity, then MO-
SES was no King in their sense; and if it were distinct, then lay there
to MOSES no appeal, even by his own Law: for thus in the case of
Appeals it is by him directed. *If there arises a Controversy too hard* Deut. 6.
for thee in Judgment—thou shalt come to the Priests and Levites (that
is, to the seventy Elders)—According to the sentence of the Law which
they—shall tell thee, thou shalt do—And the man that will do pre-
sumptuously, and will not hearken—even that man shall die. In which
words all colour of appeal from the seventy Elders is excluded.

BUT whether MOSES were a King or no King, either his Power Sect. 4.
was more than that of King DAVID; or without proposition to, and
result of the People it is plain that he could pass no Law. Now the
Senate, Sanhedrim, or seventy Elders, came in the place of MOSES,
or stood with him; therefore their Power could be no more than was
that of MOSES. So that if the Power of MOSES were never more
in the point of Law-giving, than to propose to the People; then the
power of the Sanhedrim could be no more in the point of Law-giving,
than to propose to the People. Nor will it be found in Scripture
that the Sanhedrim ever made any Law without the People, yet it is
found in Scripture that the People made a Law without the Sanhe-
drim, or levy'd War without them, which is all one: for where
there is a power to levy War, there will be the power of making
Law. And the occasion upon which this is found, is the War levy'd
against BENJAMIN by the Congregation consisting of four hundred *Judg. 20.*
thousand. Again, If the Sanhedrim inherited the whole power of
MOSES, and yet had no larger power in Law-making than to pro-
pose to the People, then had MOSES never any larger power in Law-
making than to propose to the People. Now where there is no King,
or

Book II. or no King in a distinct capacity from the Senate; and where the Senate has no farther power in Law-making than to propose to the free suffrage of the People; the Government there is a Common-wealth. Thus having shewn that *Israel* was a Common-wealth, I come next to shew what Common-wealth *Israel* was.

C H A P. II.

Shewing what Common-wealth Israel was.

Sect. 1.
Division of the
Children of Is-
rael; first Ge-
nealogical.

Exod. 1.

Gen. 41. 50,
51, 52.

Gen. 48. 16,

Num. 1.

Sect. 2.
Num. 1.
17, 18.
Of the Princes
of Tribes; or
the Muster
Roll in Sinai.

ALL Political Methods that are collective of the People, must necessarily begin with a distribution or division of the People. FOR the division of the People of *Israel*, it was first Genealogical, and then local. Now these are the Names (of the Ancestors of the Tribes, or) of the Children of *Israel* which came into Egypt, every man and his Household came with JACOB: REUBEN, SIMEON, LEVI, and JUDAH, ISSACHAR, ZEBULUN, and BENJAMIN, DAN and NAPH-TALI, GAD, and ASHER. These being eleven in number, were the Sons of JACOB, who had also one more, namely JOSEPH. And to JOSEPH were born two Sons before the years of Famine came, which ASENAH the Daughter of POTIPHERAH Priest of On, bore to him. And JOSEPH call'd the name of the first-born MANASSEH — and the name of the second call'd be EPHRAIM. Which two (tho' but Grand-children) were adopted by JACOB for his Sons, in these words: Let my name be nam'd on them, and the name of my Fathers ABRAHAM and ISAAC; and let them grow into a multitude in the midst of the Earth. From which addition to the former came the Tribes of *Israel*, genealogically reckon'd, to be in number thirteen. In the genealogical distribution of the Tribes there were also observ'd certain Ranks, Qualities, or Degrees, as appears by the Poll made of *Israel* in the Wilderness of Sinai, and in the Tabernacle of the Congregation by MOSES. These Degrees were of two sorts: first, Phylarchs, or Princes of Tribes; and secondly, Patriarchs, or Princes of Families: all hereditary Honours, and pertaining to the First-born of the Tribe or of the Family respectively. That this Poll be more perfectly understood, will be useful; for which cause I shall be somewhat more particular. First, for the Phylarchs, or Princes of the Tribes; and then for the Patriarchs, or Princes of Families. To begin with the Princes of the Tribes.

MOSES and AARON — assembl'd the Congregation (or political Convention of the People) together on the first day of the second month, after their Families, by the house of their Fathers, according to the number of the names, from twenty years old and upward, by the poll. Where every Phylarch or Prince of a Tribe, with the number of men at the age mention'd and upward, throughout his Tribe, are listed much after this manner.

1. OF the Tribe of Reuben, Elizur, Prince. The men of military age in his Tribe, forty six thousand five hundred.
2. OF the Tribe of Simeon, Shelamiel, Prince. The men of military age in his Tribe, fifty nine thousand three hundred.

3. OF

3. OF the Tribe of *Judah*, *Nashon*, Prince. The men of military age in his Tribe, threescore and fourteen thousand six hundred. Chap. 2.
4. OF the Tribe of *Issachar*, *Nethaniel*, Prince. The men of military age in his Tribe, fifty four thousand four hundred.
5. OF the Tribe of *Zebulun*, *Eliab*, Prince. The men of military age in his Tribe, fifty seven thousand four hundred.
6. OF the Tribe of *Ephraim*, *Elishama*, Prince. The men of military age in his Tribe, forty thousand five hundred.
7. OF the Tribe of *Manasseh*, *Gemaliel*, Prince. The men of military age in his Tribe, thirty two thousand two hundred.
8. OF the Tribe of *Benjamin*, *Abidan*, Prince. The men of military age in his Tribe thirty five thousand four hundred.
9. OF the Tribe of *Dan*, *Abiezzer*, Prince. The men of military age in his Tribe, threescore and two thousand seven hundred.
10. OF the Tribe of *Asher*, *Pagiel*, Prince. The men of military age in his Tribe, forty one thousand five hundred.
11. OF the Tribe of *Gad*, *Eliasaph*, Prince. The men of military age in his Tribe, forty five thousand six hundred and fifty.
12. OF the Tribe of *Naphtali*, *Abira*, Prince. The men of military age in his Tribe, fifty three thousand four hundred.
- THE total sum of which Muster-roll in the twelve Tribes, amounts to Princes twelve; and men of military age six hundred and three thousand five hundred and fifty, besides the *Levites*.

ALL the first-born, says God, *are mine*. In which words is imply'd that the Priest-hood, or right of preaching, instructing, or administering divine things, belong'd, as it were, of natural right, to Fathers of Families, or the First-born; till the Lord took the *Levites from among the Children of Israel, instead of the First-born*. These being thus taken, were set apart, and so listed by themselves (to omit their several Families, Functions, and Orders in the service of the Tabernacle, and afterwards of the Temple, which would require a Volume) much after this manner.

OF the tribe of *LEVI*, *AARON* High Priest. The number of all the Males of this Tribe, *from a month old and upwards, twenty and two thousand*. The manner how God took the *Levites*, is thus express'd. *Thou shalt bring the Levites before the Tabernacle of the Congregation, and thou shalt gather the whole Assembly together—and the Children of Israel* (after the manner that the *Levites* lay their hands upon the Bulls, or Sacrifice) *shall put their hands upon the Levites*, in token that they are sacrific'd or separated by the free suffrage of the People to the Lord. For lest the suffrage of the People be thought hereby to have been excluded, so *DAVID and the Captains of the Host or Army* (which Army was the Representative of the People) *separated to the service some of the Sons of ASAPH, of HEMAN, and of JEDUTHUN—who should prophesy with Harps*. But of the Congregations of the People more in due place.

THE hereditary Right more specially belonging to the Phylarchs, or Princes of the Tribes, consisted (as that of the Kings of *Lacedemon*, of *Athens*, and of *Rome*) in the leading of the Armies of the Commonwealth; which was distributed to them in this manner. The twelve tribes were divided into four Brigades, every Brigade consisting of three Tribes. The leading of the first Brigade pertain'd to

Sect. 3.
The Levites
Call, Order, or
Tribe.
Num. 3. 12, 13

v. 39.

Num. 8. 9, 10,
11, 12.

1 Chr. 25.

Sect. 4.
The Military
Orders.
Grot. ad Num.
10.

Book II. JUDAH, who in his Standard bore a Lion. The leading of the second Brigade belong'd to REUBEN, who in his Standard bore a Man. The leading of the third Brigade belong'd to EPHRAIM, who in his Standard bore an Ox. The leading of the fourth Brigade belong'd to DAN, who in his Standard bore an Eagle. These four by the text are term'd *Standards of the Camp*, which were as the *Roman* Eagles. Furthermore, as the sub-divisions of the *Roman* Legions had their proper Insigns, so had the Tribes here, which had not the leading of a Brigade of the Camp. The Insigns of these Tribes were call'd *Staves*; as the Staff of the Children of ISSACHAR, the Staff of the Tribe of ZEBULUN, which follow'd the Standard of JUDAH: The Staff of the Tribe of SIMEON, the Staff of the Tribe of GAD, which follow'd the Standard of REUBEN: The Staff of the Tribe of MANASSEH, the Staff of the Tribe of BENJAMIN, which follow'd the Standard of EPHRAIM: The Staff of the Tribe of ASHER, the Staff of the Tribe of NAPHTALI, which follow'd the Standard of DAN. All which Insigns or Staves in our *English* Translation are render'd *Hosts*, or Armies.

Num. 10. 14,
18, 22, 25.

Num. 3.

IN the midst of these four Squadrons or Brigades stood the Tabernacle, with the *Levites* divided, and distributed by their distinct Families to the several uses and carriages of the same, and lodg'd upon the four quarters.

Num. 10. 35.

WHEN the Ark set forward, or the Camp remov'd, these words were with solemnity pronounc'd by the General, or by the High Priest; *Rise up Lord, and let thy Enemies be scatter'd, and let them that hate thee fly before thee.*

OF the Martial Discipline in which the Youth in *Israel* were educated to these ends, there was certainly more than is remaining in story. But that their Popular Assemblies were all held in Military Order and Discipline, and that the deserters of the Militia were anathematiz'd, confiscated, or put to the sword, will in due time be made sufficiently apparent. For the present, you have the *Israelitish* Muster-roll, being of a like nature with that in *Athens* call'd *Lexiarcha*, and that in *Rome* call'd *Census*. Nor has any Common-wealth been well order'd in its Militia, which has not been diligent in the institution and preservation of the like Military Rolls or Registers. Hitherto of the Phylarchs, or Princes of the Tribes; the next rank or quality in this Government was that of the Patriarchs or Princes of Families.

Sect. 5.
The Patriarchs
chief of the Fa-
thers, or Prin-
ces of Families;
with a Cata-
logue of the
same.
Num. 26.

THE word *Family* in many places of Scripture, is not to be taken for a single Household; but as we take the word in Heraldry, that is, for a Lineage or Kindred. The Patriarchs in *Israel*, taken in this sense, were such as, till of late years in *Scotland*, were they that could lead the whole Name or Kindred, and be follow'd by them. The Families in *Israel* of this kind, that were greatest about the plantation of the Common-wealth, were of REUBEN, the *Henochites*, the *Phal-luites*, the *Hefronites*, and the *Charmites*.

OF Simeon, the *Namuelites*, the *Jamnites*, the *Jachenites*, the *Zarites*, and the *Shaulites*.

OF Gad, the *Zephronites*, the *Haggits*, the *Shunites*, the *Oznites*, the *Erites*, the *Arodites*, and the *Arelites*.

OF Judah, the *Shelanites*, the *Pharxites*, the *Zarbites*, the *Hefronites*, and the *Hamulites*.

OF Issachar, the *Tbolaites*, the *Punites*, the *Shubites*, and the *Shimranites*.
OF

OF Zabulun, the Sardites, the Elonites, and the Jableelites.

OF Manasseh, the Machirites, the Galeadites, the Jeezrites, the Helekites, the Asrielites, the Sechemites, the Shemidaites, and the Hepherites.

OF Ephraim, the Shuthalaites, the Bachtites, the Tabanites, and the Eranites.

OF Benjamin, the Belaites, the Askbelites, the Abiramites, the Shuphamites, the Huphamites, the Ardites, the Heredites, and the Naamites.

OF Dan, the Subamites.

OF Asher, the Jimnites, the Jessuites, the Briites, the Heberites, and the Melchielites.

OF Naphtali, the Jazrielites, the Gunites, the Jaserites, and the Shillemites.

OF Levi, the Gersonites, the Cabarites, and the Merarites. The heads of these were such as are call'd Patriarchs, Princes, heads of Families, or chief of the Fathers.

FAMILIES, tho' far less subject than in other Governments to decay or encrease, might at divers times be different in *Israel*; as after BENJAMIN was destroy'd, or after DAVID had rais'd his own and many other: But thus were the Families at this time sixty; the Tribes being, as was shewn before, thirteen.

IN the first institution of the Tribes of *Rome*, that is, *Ramnenses*, *Titienfes*, and the *Luceri*, they were also genealogical, but long it held not so; genealogical divisions in a Common-wealth being for the most part of greater danger than use: but whether Genealogies be observ'd or not, the local way of division is of absolute necessity.

TO insert the Geography of the *Israelitish* Tribes, would be as burthenfome both to the Reader and my self, as needless to either. But the manner how the Tribes became local, was thro' the distribution of the Land of *Canaan* by Lot, and intailing the Lands so distributed upon the Proprietors and their Heirs for ever, without power of alienation, in any such manner as to deprive their Posterity. The Lot or Ballot in *Israel* was specially of three uses; one for election of Magistrates, another for the discovery of some secret Malefactor, and a third for the division of Lands. To which three heads I hope to reduce the whole History of their Government: and this work once perform'd, it will be easy to represent the Common-wealth in its Political method.

Sect. 6.
Of the Lot or
Ballot of *Israel*.

TO begin with the election of Magistrates, it was perform'd sometimes by the Lot, without Suffrage; and sometimes by the Ballot, that is, by a mixture of Lot and Suffrage. For the clearer discovery of the Order in Elections, I must invert the Order of the Magistrates elected, and begin with the King; then proceed to the Judge, and come last of all to the Sanhedrim, and the inferior Courts.

THE Instruments us'd upon these occasions, were first Lots, some Blanks and some Prizes; then Urns (that is, Pots) into which these Lots were cast, and out of which they were afterwards drawn, or given forth; by what Officers, or with what farther Solemnity, does not appear.

WHEN the People would needs have a King, SAMUEL being their Judge, did that, tho' against his will, which nevertheless was no more than his duty: that is, first, *hearken'd to the voice of the People*; or obey'd their Vote. Secondly, *Call'd the People together to the Lord* at Mizpeh. The political Assembly, or Congregation of the People

Sect. 7.
Manner of
electing the
King.
1 Sam. 8. 7, 22.
1 Sam. 10. 17.
of

Book II.

Judg. 20.

Deut. 23.

For the Assembly of the Congregation at Mizpeh, see

Judg. 10. 17.

& 11. 11.

& 20. 1.

& 21. 1.

1 Sam. 7. 6, 16.

1 Sam. 10. 19.

The Military Order of Political Congregations in Israel, see Chap. 3.

V. 20.
The Prerogative Tribe.

Judg. 20. 2.

Josh. 7. 14.

16, 17, 18.

of *Israel* was call'd *Ecclesia Dei*, the Congregation of the Lord, as it ought to have been exprest in the Trial of BENJAMIN, and is in some places by our Translation; as where an *Eunuch* (or one unfit for marriage with a Daughter of *Israel*, which capacity was necessary to the being inrol'd of a Tribe) a *Bastard* (as dishonourable) an *Ammomite* or *Moabite* (as descended of perfidious Nations) *shall not enter into the Congregation of the Lord*: that is, shall not have right of suffrage with the People of *Israel*. So SAMUEL, by calling the Congregation of the Lord, or the People together to the Lord in Mizpeh (the place, before the taking of *Jerusalem*, where they always held their Parliaments or political Assemblies) did the office of the like Magistrates in Common-wealths. The People being thus assembl'd (for to be brief, I must proceed with conjectures, which at first sight will seem bolder than really they are) SAMUEL causing the Urns to be set forth, pronounc'd the solemn form of words in use upon the like occasion, which were these: *Present your selves before the Lord by your Tribes, and by your thousands*. The political Assemblies of the Children of *Israel* were held, or gather'd (as we say) with Drums beating, and Colours flying; and if it were an extraordinary Congregation, that is, a Congregation consisting of the whole People, as this, and that for the trial of BENJAMIN, the Princes of the Tribes with their Staves, and the Standards of the Camp (in the order shewn) led up the People to the Urns, or Ballot. Wherefore upon these words of SAMUEL, the Princes march'd in their known discipline to the Urns. The Urns were two: in the one were twelve Lots inscrib'd with the names of the twelve Tribes; in the other were also twelve other Lots, whereof eleven were Blanks, and the twelfth inscrib'd with some word. What the *Israelitish* word was, does not appear; the *Roman* word upon the like occasion was *Prerogative*: wherefore seeing that which is lost must have been of a like nature, we may, for discourse sake, presume it to have been the same in *Israel* as in *Rome*. And when SAMUEL had caus'd all the Tribes of *Israel* to come near, the Tribe of BENJAMIN was taken: That is, the name of this Tribe being drawn out of the one Urn, to it was drawn the word *Prerogative* out of the other Urn; which being done, the Urns were chang'd, or at least the Lots. And whereas in the enumeration of the Patriarchs, I shew'd by a catalogue of their Names, that the whole Tribe of BENJAMIN consisted of seven Families; seven names by that account should have been cast into the one Urn, and as many Lots into the other; one of them being inscrib'd with the word *Prerogative*, and the other six being Blanks. But both the names, and the number of Families at this Ballot, are most likely to have been quite otherwise than in the Catalogue; because since that time the Tribe of BENJAMIN had in the far greater part been destroy'd, and piec'd up again out of a Remnant: so for the number of the Families, or the names of them, I can say nothing. But the Urns being thus prepar'd, came BENJAMIN, as now the *Prerogative* Tribe, to the Urns by Families. And when SAMUEL had caus'd the Tribe of BENJAMIN to come near by their Families, the Family of MATRI (which is a new one) was taken: that is, lighting, in the manner shewn, upon the Prize, became the *Prerogative* Family. This done, the Lots were again chang'd, and so many others as there were Households in the Family of MATRI (for so you will find it in the trial of ACHAN) were cast into the Urns. Thus

Thus the Household of KISH, coming to be the Prerogative Household, Chap. 1. and so many Lots as there were men of that Household, being cast into the Urns, whereof the Prize was inscrib'd King, came the Household of KISH, man by man, and SAUL the Son of KISH was taken.

We find it recorded by LIVY, of TARQUINIUS PRISCUS, and of SERVIUS TULLIUS, that before either of them was King, the one had his hat taken off, and carried up by an Eagle; the other had a flame resting upon his Forehead, by which it was firmly believ'd, that each of them was design'd of the Gods to be King: yet was this never so understood by themselves, or any other, as to exclude the right of popular Suffrage in their Election, by which PRISCUS reign'd; or to create an opinion that any man ought to be King of Rome, whom the People had not first commanded to reign over them, to whose Election therefore SERVIUS, tho' in possession of the Throne, thought it his best way to refer himself. Far be it from me to compare Prodigies among Heathens, to Miracles in the Church: But each People had of each a like opinion. Both Israel and the Heathens began their popular Assemblies with Sacrifice. In order to the election of SOLOMON, the Representative of Israel sacrific'd Sacrifices to the Lord—even a thousand Bullocks, a thousand Rams, and a thousand Lambs, with their Drink-offerings, and Sacrifices in abundance, for all Israel. And when they had thus done, what Magistrates soever the Israelites, or the Heathens elected, they always understood to be elected by God. *The Lot is cast into the lap, but the whole disposing thereof is of the Lord.* And indeed, whereas in this manner they made SOLOMON King, and ZADOC to be Priest, if we will hold otherwise, we must think that neither the King nor the Priest was elected by God. A man that is elected to some great Office, by a King rightly qualified, must have little Religion, or hold himself to be rais'd up by God. Why then should it be otherwise, when a Magistrate is elected by a People rightly qualified? Or what consequence is there in saying, that SAUL was anointed by SAMUEL before he was elected by the People, or that God rais'd them up Judges; therefore neither SAUL nor the Judges were elected by the People? That God elected the Kings in Israel, is certain; and that the People no less for that did also elect the Kings, is as certain. *One from among thy Brethren shalt thou (that is, thou the People of Israel) set King over thee.* That God rais'd up Judges in Israel, is certain; and that the People no less for that, did also elect the Judges, is as certain. When the Children of Ammon made War against Israel, Israel assembl'd themselves together, and incamp'd in Mizpeh, whence the Elders of Gilead went to fetch JEPHTA out of the Land of Tob.—Then JEPHTA went with the Elders of Gilead, and the People made him Head and Captain over them: and JEPHTA utter'd all his words before the Lord in Mizpeh. But that SOLOMON was elected by the Lot, I do not affirm; it being most probable, that it was by Suffrage only, DAVID proposing, and the People resolving. Nor whether JEPHTA was elected by Suffrage, or by the Ballot, it is material; however that the ordinary Magistrates were elected by the Ballot, I little doubt.

Sect. 8.

That miraculous designation of Magistrates in a Commonwealth, was never understood to exclude the free Suffrage of the People in their Election.

1 Chron. 29.
21, 22.

Prov. 10. 33.

Deut. 17. 15

Judg. 10. 17.

Judg. 11. 5. 11.

Sect. 9.

Election of Senators, and Judges of inferior Courts.

For

Book II. For the Institution and Election of these, MOSES propos'd to the People, or the Congregation of the Lord, in this manner. *Take you wise men, and understanding, and known among your Tribes* (καταστήσω) *and I will make (or constitute) them Rulers over you.* Where, by the way, lest MOSES in these words be thought to assume power, SOLON, says ARISTOTLE (δημοκρατίαν καταστήσαι) made, or constituted the Popular Government of Athens. In which he implies, not that SOLON was a King, or had Sovereign Power, but that he was a Law-giver, and had Authority to propose to the People. Nor is there more in the words of MOSES; upon whose Proposition, say Jewish Writers, each of the twelve Tribes, by free Suffrages, elected six Competitors, and wrote their Names in scrolls, which they deliver'd to MOSES. MOSES having thus presented to him by the twelve Tribes seventy and two Competitors for seventy Magistracies, had by consequence two more Competitors than were capable of the Preferment to which they were elected by the People: Wherefore MOSES took two Urns, into the one he cast the seventy two Names presented by the People; into the other, seventy two Lots, whereof two were blanks, the rest inscrib'd with the word *Elder*. This done, he called the Competitors to the Urn, where the seventy, to whose Names came forth the Prizes, went up to the Tabernacle, the Session-house being there provided: and the two that drew the blanks, namely ELAD and MEDAD, tho' of them that were elected and written by the Tribes, *went not up to the Tabernacle, but remain'd in the Camp*, as not having attain'd to Magistracy. Thus, if this place in Scripture can admit of no other Interpretation, so much as I have cited out of the *Talmud* (tho' otherwise, for the most part, but a fabulous and indigested heap) must needs be good and valid. In this manner, one or more Senators happening to die, it was easy for each Tribe, chusing one or more Competitors accordingly out of themselves, to decide at the Urn which Competitor so chosen, should be the Magistrate, without partiality, or cause of feud; which, if a man considers this Constitution, was not perhaps so readily to be done otherwise. The like, no doubt, was done for the inferior Courts, except that such Elections (the Common-wealth being once settl'd) were more particular, and perform'd by that Tribe only in whose Gates that Court was sitting.

See Number
11. 26.

Sect. 10. THE first institution of these Courts came to pass in the manner following. Before the People were under Orders, the whole Judicature lay upon the shoulders of MOSES, who being overburden'd, was advised by JETHRO. *And MOSES hearken'd to the voice of his Father-in-law---and chose* (after the manner shewn) *able men out of all Israel, and made them Heads over the People, Rulers of thousands,*
25. *Rulers of hundreds, Rulers of fiftys, and Rulers of tens.* The number of which Rulers, compar'd with the number of the People, as in the muster roll at Sinai, must in all have amounted to about six thousand. These thus instituted, while Israel was an Army, came to be the same when the Army was a Common-wealth: whereof it is said, *Judges and Officers shalt thou make thee in all thy Gates which the Lord thy God gives thee, throughout thy Tribes; and they shall judge the People with just Judgment.* Each of these Courts, by the practice of the Jewish Common-wealth, consisted of twenty three Elders. But JETHRO, in his advice to MOSES, adds concerning these Judicatories, this

Deut. 16. 18.

this Caution; *Let them judge the People at all seasons: and it shall be, that every great matter they shall bring to thee, but every small matter they shall judge: So shall it be easier for thy self, and they shall bear the burden with thee.* Which nevertheless follow'd not according to JETHRO's promise, the Appeals being such to MOSES that he goes with this complaint to God: *I am not able to bear all this People alone, because it is too heavy for me.* Whereupon the Lord said to MOSES, *Gather to me seventy men, of the Elders of Israel, whom thou knowest to be Elders of the People, and Officers over them; and bring them to the Tabernacle of the Congregation, that they may stand with thee—*(but Crowns will have no rivals) *and they shall bear the burden of the People with thee, that thou bear it not alone.* But a Monarch is one that must be alone. And MOSES went out, and told the People the words of the Lord (which a Monarch needed not to have done) and gather'd the seventy men of the Elders of the People; the manner whereof is already shewn. JETHRO, being a Heathen, informs MOSES of the Orders of his own Common-wealth, which also was *Heathenish*. Yet in Scripture is both JETHRO join'd with MOSES, and the Common-wealth of Midian with the Common-wealth of Israel. How then comes it to be irreverend, or atheistical, as some say, in Politicians (and while political Discourses cannot otherwise be manag'd) to compare, tho' but by way of illustration, other Legislators, or Politicians, as LYCURGUS, SOLON, with MOSES; or other Common-wealths, as Rome, and Venice, with that of Israel? But the Authors of such Objections had better have minded, that the burden whereof MOSES here complain'd, could in no manner be that of ordinary Judicature, of which he was eas'd before by the advice of JETHRO; and therefore must have been that of Appeals only: so either the Sanhedrim bore no burden at all with MOSES, or they bore that of Appeals with him. And if so, how say they that there lay an Appeal from the seventy Elders to MOSES?

Chap. 2.

Exod. 18. 22.

Numb. 11. 14.
16.

Ver. 24.

BUT I said the Lot was of use also toward the discovery of conceal'd Malefactors. Of this we have an Example in the detection of ACHAN. The words of the Law, whereby the Fact of ACHAN was criminal, are these: *If thou shalt hear say in one of thy Cities, which the Lord thy God has given thee to dwell therein, saying, Certain men, the Children of Belial, are gone out from among you, and have withdrawn the Inhabitants of their City, saying, Let us go and serve other Gods, which you have not known: then shalt thou inquire, and make search, and ask diligently; and behold, if it be truth, and the thing certain, that such Abomination is wrought among you, thou shalt surely smite the Inhabitants of that City with the edge of the Sword, destroying it utterly, and all that is therein, and the Cattle thereof with the edge of the Sword. And thou shalt gather all the spoil of it into the midst of the street thereof, and shalt burn with fire the City, and all the spoil thereof, every whit, for the Lord thy God: and it shall be a heap for ever, and it shall not be built again, and there shall cleave nought of the accurs'd thing to thy hand.* Among the Cities that were given by God to Israel, was Jericho. Now tho' against this City, before it was taken, JOSHUA had solemnly and publicly denounc'd the *Anathema*, or Curses contain'd in the foregoing Law; and after the taking of it, had, in all appearance, executed upon it the whole of the *Anathema* so pronounc'd: yet thro' subsequent losses before the City of Ai, being sore afflicted, he enter'd into suspicion, that there might have been some failure in the performance

Sect. 11.

Lot, Ordel, or
Inquisition by
Lot.

Deut. 13. 12,

&c.

Josh. 6. 17.

- Book II. formance of the Law. Whereupon he *rent his Clothes, and fell to the Earth upon his face before the Ark of the Lord, till the even-tide, he and the Elders* (or Sanhedrim of *Israel*) and put dust on their heads. The Sanhedrim, in difficult cases of the Law, inquir'd of God by *Urim*; and the Sanhedrim, or the People, in cases of high concernment to the State, as in the War against BENJAMIN, inquir'd of the Ark. When God was inquir'd of by *Urim*, he gave his Oracle by the shining of certain Stones or Jewels in the Breast-plate of the High Priest. When he was inquir'd of by the Ark, he gave his Oracle vocally from the Mercy seat, which was plac'd upon the Ark of the Covenant. Whence he who sat between the Cherubims thus answer'd JOSHUA:
- Josh. 7. 6. *Get thee up; wherefore liest thou thus upon thy face? Israel has sin'd—they have even taken of the accurs'd thing.* JOSHUA thus inform'd of the Crime, but not so particularly of the Malefactor as to know where to charge it, calls the whole People to the Urns; in one of which it may be thought that there were eleven white Stones, or Lots, with one black one; and in the other the twelve Names of the Tribes. So *Israel* coming first by Tribes to the Urns, the *Tribe of JUDAH* was taken; that is, this Tribe lighting upon the black Lot, was denoted for the Guilty Tribe: Which consisting (as appear'd by the Catalogue) of five Families, whereof the *Zarhites* were one, came next by Families to the Urn; wherein there might be four white Lots, and one black one, by which the *Zarhites* were taken. In like manner came the Family of the *Zarites* by Households, and the Household of ZABDI was taken: Last of all came the Household of ZABDI man by man and ACHAN was taken. This kind of Inquisition was perform'd with such Religion and Solemnity, that a man thus taken, if he had any guilt, could have no face to conceal it; or, if there were any Witnesses of his Crime, they could not any longer dissemble it: and whether he were convicted by testimony, or by his own confession (as now ACHAN) he was put to death. The like proceeding, in part,
- 1 Sam. 14. is imply'd to have been in case of JONATHAN; tho' in this, by agreement thereupon between SAUL and the People, it should seem as if but two Lots were put into the Urn, whereof SAUL and JONATHAN, on the one part, drew the black: Or the Prince of the Tribe of JUDAH drawing for the whole People, on the other part, drew the white one; and that the same being put into the Urn again, to decide it between SAUL and JONATHAN, JONATHAN drew the black: whereupon, he being question'd, confess'd the fact; and, but that the People rescu'd him from SAUL, had been put to death.
- Sect. 12. TO conclude with the use of the Lot, in the division of the Land of Canaan. This (as implying the Foundation or Balance of the Government) ought to have been the first in order, but happens here to come last; because these Orders were instituted in the Wilderness, and so before the People had any Lands to divide. Nevertheless, this also was propos'd by MOSES, and resolv'd by the People: *By lot was their Inheritance, as the Lord commanded MOSES*; and now comes (as it was, or should have been put in execution by JOSHUA) to be consider'd.
- Josh. 14. 2. IT may be true, that the *Roman* People were the wisest that have been; and it is true, that they only of a People, did labour to introduce *Agrarian* Laws, tho' without effect: Otherwise, Levelling was never introduc'd, but by the Wisdom and providence of some great Man,

as a MOSES, a JOSHUA or a LYCURGUS; or by some accident, or Chap. 2.
accidents, bringing a Nobility to ruin, as the Laws of HENRY VII. and the ways of HENRY VIII. in England.

BETWEEN the Muster Roll in *Sinai*, whereby the Men of military age, as was shewn, amounted to six hundred and three thousand five hundred and fifty, in the twelve Tribes, and the Law for the division of the Land of *Canaan*, there happen'd a Plague, by which the number of the People, upon a new Poll, came but to six hundred and one thousand seven hundred and thirty. Upon this Poll was the Law made, which runs thus: *To these the Land shall be divided for an Inheritance, according to the number of names. To many thou shalt give the more Inheritance, and to fewer thou shalt give the less Inheritance: To every one shall his Inheritance be given, according to those that were number'd of him. Notwithstanding, the Land shall be divided by lot: according to the names of the Tribes of their Fathers, they shall inherit; according to the lot shall the possession thereof be divided to many and few.* This Law, in another place, is repeated thus: *You shall divide the Land by lot, for an inheritance among your Families; and to many ye shall give the more Inheritance, and to the fewer ye shall give the less Inheritance: Every man's Inheritance shall be in the place where his Lot falls, according to the Tribes of your Fathers ye shall inherit.*

IN the making of these Lots consideration was as well had of the goodness of the Land, as of the measure. Now supposing this Law to have been in the whole and methodically executed, the *Canaanites* must first have been totally rooted out of the Land of *Canaan*; which Land, in that case (as some affirm) would have afforded to this Commonwealth a Root or Balance, consisting of *three millions of Acres*. These, reckoning the whole People in the twelve Tribes, at six hundred and two thousand (which is more than upon the later Poll they came to) would have afforded to every man four Acres; to every one of the Patriarchs (upon the poll of the foregoing Catalogue, where they are sixty) four thousand Acres; to every one of the Princes of the Tribes, fourteen thousand Acres; to the *Levitical* Cities (being forty eight, each with its Suburbs, of four thousand Cubits diameter) one hundred thousand Acres; and yet for extraordinary Donations, as to JOSHUA and CALEB (of which kind there were but few) some eighty thousand Acres might remain. Now it is true, four Acres to a man may seem but a small Lot; yet the *Roman* People, under *Romulus*, and long after, had but two. And it may very well be, that one Acre in *Canaan* was worth two in *Italy*, especially about *Rome*; and four in *England*, tho' of the best sort: and if so it were that four Acres in *Palestine* were worth sixteen of our best, such a Lot, at our account, might be worth about thirty or forty pounds a year; which for a popular share, holding that rate thro' the whole body of a People, was a large proportion. By this estimate, or what possibly could be allow'd to the Princes of the Tribes and of the Families, their share came not to a sixth of the whole: so the rest remaining to the People, the Balance of this Government must have been purely popular. It is true that in the whole this Law of MOSES for the division of the Land was never executed: but that in the parts some such course was taken, is plain; for example, in the division to seven Tribes, where JOSHUA proposes to the People in this manner: *Give out from among you three men for each Tribe—and they shall go thro' the Land and de-*

Book II. *scribe it.* The People having resolv'd accordingly, these went, and pass'd thro' the Land, and describ'd it by Cities into seven parts in a Book, and came again to JOSHUA to the Host at Shiloh. And JOSHUA cast Lots for them in Shiloh, before the Lord: and there JOSHUA divided the Land to the Children of Israel according to their divisions. It were absurd to think that this Lot determin'd of proportions; for so a mean man might have come to be richer than the Prince of his Tribe: but the proportions allotted to Tribes being stated, tho' at first but by guess, and enter'd into the Lot Book of the Surveyors (who, says JOSEPHUS, were most expert in Geometry) the Princes came first to the Urns, whereof the one contain'd the names of the Tribes that were to draw, the other the names of those parcels of Land that were to be drawn first to a whole Tribe. Thus the name of a Tribe, for example BENJAMIN, being drawn out of one Urn, to that name a parcel was drawn out of the other Urn; for example, the Country lying between Jericho and Bethaven. This being done, and the Prince of the Tribe having chosen in what one place he would take his stated and agreed proportion, whether of fourteen thousand Acres, or the like, the rest of the Country was subdivided in the Lot Book, according to the number of Families in the Tribe of this Prince; and the Parcels subdivided being cast into the one Urn, the names of the Patriarchs into the other, the same Tribe came again by Families. Thus every Patriarch making choice in what one part of this Lot he would take his agreed proportion, whether of four thousand Acres, or the like: the remainder was again subdivided in the Lot Book, according to the number of names in his Family: if they were more than the parcel would furnish at four Acres a man, then was that defect amended by addition out of the next parcel; and if they were fewer, then the overplus was cast into the next parcel. By such means the People came, or might have come in the whole, and in every part, to the Lot of their Inheritance; while every Tribe that was thus planted, became local, without removal. *Neither shall the Inheritance remove from one Tribe to another Tribe; but every one of the Tribes of the Children of Israel shall keep himself to his own Inheritance.*

Num. 36. 3.

Sect. 13.

The Portion of Levi.

Josh. 21. 4. 5, 6.

Num. 18. 20.

Deut. 10. 9.

Deut. 18. 1.

Ezek. 44. 22.

THE Tribes thus planted, or to have been planted, were twelve. The thirteenth, or that of LEVI, came in the like manner to the Lot, for their forty eight Cities with their Suburbs, and receiv'd them accordingly; as the Lot came forth for the Families of the Kohathites, and the rest. These Israel gave to the Levites out of their Inheritance: That is, these were such as the twelve Tribes, before the division, set apart for the Levites, with the Tithes, and the Offerings; which, tho' this Tribe had no other Lands, made their Portion by far the best. The Tribes being henceforth reckon'd by their locality, and these forty eight Cities being scatter'd throughout the twelve Tribes, that of LEVI was no more computed as a distinct Tribe, but lost as it were the name, yet with advantage: for to their promiscuous abode they had the right of promiscuous marriage, no more in this point being injoin'd any of them, than to take Maidens of the seed of Israel, or at least the Widows of Priests. And as in the Tribes where they dwelt they had promiscuous Marriage, so had they right of promiscuous Election; that is, of electing, and being elected, into all the Magistracies and Offices of the Common-wealth: which they so frequently enjoy'd, that the Sanhedrim is sometimes understood by their names.

names. *If there arises a matter too hard for thee in judgment, thou shalt come to the Priests the Levites.* Between the Law, and the Religion of this Government, there was no difference; whence all Ecclesiastical persons were also Political persons, of which the *Levites* were an intire Tribe, set more peculiarly apart to God (the King of this Common-wealth) from all other cares, except that only of his Government. Thus *MOSES* did that with the safety of Liberty in *Israel*, which *LYCURGUS* could not do in *Lacedemon*, but by condemning the *Helots* to perpetual Slavery: For whereas without these to be Tillers of the Ground, the Citizens of *Lacedemon* could not be at leisure for the Common-wealth; the Children of *Israel* might employ themselves in their domestic Affairs, as they requir'd, with safety: while the *Levites* bore the burden of the Government; or, in case either their private Affairs permitted, or their Ambition prompted, were equally capable of Magistracy.

Chap. 2.
Deut. 17. 8.

OF the *Levitical* Cities, three beyond, and three on this side *Jordan*, were *Cities of Refuge*. If a man was slain, the next of kindred, by the Laws of *Israel*, was the Avenger of Blood; and to the Avenger of Blood it was lawful to slay him that slew his Kinsman, wherever he could find him, except only in a City of Refuge. For this cause, if a man had slain another, he fled immediately to one of these Sanctuaries; whence nevertheless, the Judges in the Gates, within whose proper verge the Crime was committed, caus'd the Malefactor to be brought before them by a Guard, and judg'd between the Slayer and the Avenger of Blood. If that which we call Murder, or Man-slaughter, was prov'd against him by two Witnesses, he was put to death: but if it was found, as we say, Chance-medly, he was remanded with a Guard to the City of Refuge; whence if, before the Death of the High Priest, he was found wandering, it was lawful, not only for the Avenger of Blood, but for any man else to slay him. The High Priest being dead, he return'd, not home only, but to his Inheritance also, with liberty and safety. If a Priest had slain a man, his Refuge was the Sanctuary: whence nevertheless he was taken by the Sanhedrim; and, if upon trial he was found guilty of wilful Murder, put to death. *If a man comes presumptuously upon his Neighbour to slay him with guile, thou shalt take him from my Altar, that he may die.*

Sect. 14.
Cities of
Refuge.
Num. 35.

Exod. 21. 14.

INHERITANCES, being thus introduc'd by the Lot, were immovably intail'd on the Proprietors and their Heirs for ever, by the institution of the Jubile, or the return of Lands, however sold or engag'd, once in fifty years to the antient Proprietor, or his lawful Heir. Yet remain'd there two ways whereby Lots might be accumulated; the one by casual Inheritance, the other by marriage with an Heiress: as in the case of *ZELOPHEDAD*, or of his Daughters.

Sect. 15.
The Jubile.

Num. 36.

NOW to bring the whole result of these historical parts, thus proved, to the true Political Method or Form, the Common-wealth instituted by *MOSES* was according to this Model.

Sect. 16.

THE whole People of *Israel* (thro' a popular distribution of the Land of *Canaan* among themselves by lot, and the fixation of such a popular Balance by their *Agrarian* Law, or Jubile, intailing the inheritance of each Proprietor upon his Heirs for ever) was locally divided into twelve Tribes.

The Model of
the Common-
wealth of
Israel.

Book II.

EVERY Tribe had a double capacity, the one Military, the other Civil.

A TRIBE, in its Military capacity, consisted of one Staff or Standard of the Camp, under the leading of its distinct and hereditary Prince, as Commander in chief; and of its Princes of Families or chief Fathers, as Captains of thousands and Captains of hundreds.

A TRIBE, in its Political capacity, was next and immediately under the government of certain Judicatories, sitting in the Gates of its Cities; each of which consisted of twenty three Elders, elected for life, by free suffrage.

THE Sovereign Power, and common Ligament of the twelve Tribes, was the Sanhedrim of *Israel*, and the *Ecclesia Dei*, or Congregation of the Lord.

THE Sanhedrim was a Senate, consisting of seventy Elders for life, so instituted by the free Election of six Competitors, in and by each Tribe; every Elder, or Senator of the Sanhedrim being taken out of this number of Competitors by the Lot.

THE Congregation of the Lord was a Representative of the People of *Israel*, consisting of twenty four thousand, for the term of one month; and perpetuated by the monthly Election of two thousand Deputies of the People in each Tribe.

THE Sanhedrim, upon a Law made, was a standing Judicatory of Appeal from the Courts in the Gates, throughout the Tribes; and upon a Law to be made, whatever was propos'd by the Sanhedrim, and resolv'd in the affirmative by the Congregation of the Lord, was an Act of the Parliament of *Israel*.

Deut. 4. 5, 6.

OF this Frame says MOSES to the People (as well he might) *Behold, I have taught you Statutes and Judgments, even as the Lord my God commanded me, that ye should do so in the Land whither you go to possess it. Keep therefore, and do them; for this is your Wisdom, and your Understanding in the sight of the Nations, which shall hear all these Statutes, and say, Surely this great Nation is a wise and understanding People.* In another place, upon the Peoples observing this form, he pronounces all the choicest Blessings; and in case of violation of the same, a long enumeration of most dreadful Curses, among which he

Deut. 28. 36.

has this: *The Lord shall bring thee, and thy King which thou shalt set over thee, to a Nation which neither thou nor thy Fathers have known; and there shalt thou serve other Gods, Wood and Stone.* In which words, first he charges the King upon the People as a Creature of their own, and next opposes his Form point-blank to Monarchy; as is farther apparent in the whole Antithesis running throughout that Chapter. To the neglect of these Orders may be apply'd those words of DAVID: *I have said that ye are Gods—but ye shall die like Men, and fall like one of the Princes.* But this Government can with no countenance of Reason, or testimony of Story, give any man ground to argue from the Frame thus instituted by MOSES, that a Common-wealth rightly order'd and establish'd, may by any internal cause arising from such Orders, be broken or dissolv'd; it being most apparent, that this was never establish'd in any such part as could possibly be holding. MOSES dy'd in the Wilderness: and tho' JOSHUA, bringing the People into the promis'd Land, did what he could, during his Life, towards the establishment of the Form design'd by MOSES; yet the hands of the People

People, specially after the death of JOSHUA, grew slack; and they rooted not out the *Canaanites*, which they were so often commanded to do; and without which it was impossible their Common-wealth should take any root. Nevertheless, settled as it could be, it was in some parts longer liv'd than any other Government has yet been; as having continu'd in some sort from MOSES, to the disperſion of the *Jews* in the Reign of the Emperor ADRIAN; being about one thousand seven hundred years. But that it was never establish'd according to the necessity of the Form, or the true intent of MOSES, is that which must be made farther apparent throughout the sequel of the present Book; and first, in the state of the *Israelites* under their Judges.

C H A P. III.

Shewing the Anarchy, or State of the Israelites under their Judges.

THE Frame of that which I take to have been the ordinary Congregation or Representative of the People of *Israel*, is not perfectly shewn in Scripture, till the time of DAVID; when, tho' it has nothing in it of a Monarchical Institution, it is found intirely remaining, and perfectly describ'd in these words: *Now the Children of Israel after their number, to wit, the chief Fathers, and Captains of thousands and hundreds, and their Officers that serv'd the King in any matter of the Courses, which came in, and went out month by month, throughout all the months in the year; of every Course were twenty and four thousand men,* The Polls of the People, as they have been hitherto shewn, were taken before their Plantation in *Canaan*, where before they had Kings, they had grown (according to the account of PAUL) *four hundred and fifty years*; during which time, that they were exceedingly increas'd, appears by the Poll of Military age taken by DAVID, and amounting to one Million three hundred thousand: yet could this Assembly of the *Children of Israel after their number*, in one year, by monthly rotation, take in the whole body of them. How these, being a Representative of the People, and thus changeable, could be otherwise collected than by the monthly election of two thousand in each Tribe, is not imaginable. And that both a Representative of the People they were, and thus changeable, is by the clear words of Scripture, and the nature of the business upon which occasion they are describ'd, undeniably evinc'd: for DAVID proposing, and the People resolving, they make SOLOMON King, and ZADOC Priest. This Assembly (besides the Military Discipline thereof, in which it differ'd little from the Customs of such other Common-wealths as have been great and martial) had not only a Civil, but a Military Office or Function, as the standing Guard or Army of this Country; which, tho' small, and lying in the very Teeth of its Enemies, could thus, by taking in every man but for one month in a whole year, so equally distribute a Burden, to have been otherwise intolerable to all, that it might be born by a few, and scarce felt by any. This Epitome of that Body (already describ'd under the leading of the several Princes of the Tribes, with their Staves, and Standards of the Camp) seems to have been commanded by Lieutenants of the Princes, or Tribunes of the respective Tribes:

5 N

For,

Sect. 1.
A full Description of the Representative of the People of Israel
1 Chron. 27.

Acts. 13. 20.

2 Sam. 24. 9.

1 Chr. 29. 22.

Book II. For, over the first course, for the first month, was JASHOBEAM the Son of ZABDIEL (of the Children of PEREZ, or of the Family of the Pharazites, in the Catalogue of JUDAH) and of his course were four and twenty thousand.

IN this case the Princes did not lead in person, but resided in their Tribes for the Government of the same; whence, upon extraordinary occasions, they sent extraordinary Recruits: or in case of solemn War, or some weighty affair, as the trial of a Tribe or the like, led up in person, with their Staves and Standards; an Ordinance, whether we regard the military or civil use of it, never enough to be admir'd,

Sect. 2.
That this Representative
was us'd in the
time of the
Judges.
Judg. 2. 6.
Judg. 3. 3.

IT is true, while, the whole People being an Army, MOSES could propose to them in body, or under their Staves and Standards of the Camp; as he needed not, so he us'd not any Representative. But when JOSHUA had let the People go, and the Children of Israel went every man to his Inheritance, to possess the Land; how was it possible they should possess any thing (while the five Lords of the Philistians, and all the Canaanites, and the Sidonians, and the Hivites, remain'd yet among them unconquer'd) without the wing of some such Guard or Army as this, under which to shelter themselves? How was it equal, or possible, that a few of the People upon the guard of the whole, should be without relief, or sustain all the burden? Or how could every man be said to go to his Inheritance to possess it, unless they perform'd this or the like duty, by turns or courses? These things consider'd, there is little doubt but this Congregation was, according to the Institution of MOSES, put in practice by JOSHUA.

Sect. 3.
The Dissolution
of the Mosaical
Common-
wealth.

Judg. 2. 7. 11.

Judg. 2. 1. 2.

Deut. 7. 2.
ch. 12. 2.

Josh. 23. 3.
Exod. 23. 33.
ch. 34. 12.
Antiq. 1. 5. c. 2.

THUS stood both the Sanhedrim, and the Congregation, with the inferior Courts, and all the Superstructures of the Mosaical Common-wealth, during the life of JOSHUA, and the Elders of the Sanhedrim that outliv'd him; but without any sufficient root for the possible support of it (the Canaanites not being destroy'd) or with such roots only as were full of worms. Wherefore, tho' the People serv'd the Lord all the days of JOSHUA, and all the days of the Elders that outliv'd JOSHUA; yet after the Death of these, they did evil in the sight of the Lord. And an Angel (a Messenger or Prophet) of the Lord came up from Gilgal to Bochim, and said, I made you go up out of the Land of Egypt, and have brought you into the Land which I swore to your Fathers; and I said, I will never break my Covenant with you. And ye shall make no League with the Inhabitants of this Land, ye shall throw down their Altars: but ye have not obey'd my Voice: Why have you done this? Wherefore I also said, I will not drive them out from before you: but they shall be as Thorns in your sides, and their Gods shall be a snare to you. Upon the several Contents of which places, says JOSEPHUS, The Israelites (after the death of JOSHUA, and the Elders that outliv'd him) neglecting their Arms, betook themselves to Tillage; and effeminated with Peace, gave their minds rather to what was easy and pleasing, than what was secure or honourable: forgetful of the Laws of God, and of their Discipline. Whereupon God being mov'd to anger, admonish'd them by a Prophet, that in sparing the Canaanites, they had disobey'd him; and that in case they persisted, for his Mercies neglected they should tast of his Justice. But they, tho' terrified with the Oracle, were altogether averse to the War; both because they were brib'd by the Canaanites, and thro' luxury were become unapt for labour: the form of their Common-wealth being now deprav'd, and the Aristocratical part thereof invalid; while neither the Senate was elected

elect^d, nor the solemn Magistrates created as formerly. In which words, Chap. 3.
 thenot electing of the Senate as formerly, being laid as a Crime by
 JOSEPHUS to the People; he is first clear enough, for his part, that
 the Senate was formerly elect^d by the People, and ought to have been
 so still: And secondly, that henceforth the election of the Senate, or
 Sanhedrim, was neglect^d by the People. So this Common-wealth,
 which, thro' the not rooting out of the *Canaanites*, had never any Foun-
 dation, came now to fail also in her Super-structures: for proof where-
 of, the Testimony of Scripture is no less pregnant in divers places. As
 where JUDAH said to SIMEON his Brother, Come up with me into my
 Lot, that we may fight against the *Canaanites*, and I likewise will go
 with thee into thy Lot: So SIMEON went with him. In which words you
 have a League made by two Tribes, and a War manag'd by them,
 while other Tribes, that is, EPHRAIM, MANASSEH, with the rest, sat
 still: whereas, if there had been now any common ligament, as while
 the Sanhedrim was in being, such leaguings, and such warring by parti-
 cular Tribes at their own discretion, could not have been. Again, where-
 as to judge a Tribe pertain'd to the Sanhedrim; in the Judgment given
 against BENJAMIN, by the Congregation of four hundred thousand,
 there is no mention of the Sanhedrim at all.

Judg. 1. 3, 27;
29, &c.

Judg. 20.

NOW Government is of such a nature, that where there is no
 Senate, there must be some King, or somewhat like a King, and such was
 the Judge of *Israel*; yet is not their reckoning valid, who from hence
 compute the Monarchy of the *Hebrews*. First, because PAUL di-
 stinguishes between the Kings and the Judges. Secondly, because
 GIDEON, when he was a Judge, in refusing to be King, does the like.
 Thirdly, because the Judges in *Israel* (as Dictators in other Common-
 wealths) were not of constant Election, but upon Emergencies only.
 Fourthly, because complaint being made to the men of JUDAH of
 their Judge SAMSON, they deliver'd him to the *Philistines* bound; no
 less than did the *Romans* their Consuls to the *Samnites*. And lastly,
 because SAMUEL, distinguishing to perfection between Dictatorian and
 Royal Power, or between the Magistracy of the Judge and of the
 King, shews plainly (in that he *hearken'd to the Voice of the People*)
 that the one being without any balance at all, was at the discretion of
 the People; and that the other (not to be founded but upon Property
 in himself, to which end he must *take the best of their Fields and give*
them to his Servants) could no otherwise subsist than by having the
 People at the discretion of the King. This difference (being no small
 one) excepted, the office of the King and of the Judge was much the
 same; each consisting in judging the People, and going forth with their
 Armies.

Sect. 4.
No King, some
Senate; no Se-
nate, some
King.
Calav. ap. Liv.
Acts 13.
Judg. 7. 23.

Judg. 15. 13.

BUT whatever be the difference between these Magistracies, the
 State of the *Israelitish* Common-wealth under the Judges was both void
 of natural Super-structures, and of the necessary Foundation; so the
Israelites, when they were weak, serv'd the *Philistines*, as is imply'd
 in the speech of the men of JUDAH to their Judge: Knowest thou not that
 the *Philistines* are Rulers over us? — And it came to pass when *Israel* was
 strong, that they put the *Canaanites* to tribute, and did not utterly drive them
 out. Which, as it was contrary to the Command of God, so was it point-
 blank against all Prudence; for thus neither made they to themselves
 Friends, nor did they ruin their Enemies: which proceeding, as it far'd
 with

Sect. 5.
Befognia vez-
zaro spegnere.

Judg. 15. 11.

Livy.

Book II. with this Common-wealth, and was observ'd by HERENNIUS in that of the *Samnites*, is the certain perdition of a People.

Seft. 6. OF the disorder of this People upon the dissolution of the Mosaical
The Anarchy of Common-wealth, it is often said that *there was no King in Israel:*
Israel. every man did that which was right in his own eyes. That is, at the times
 Judg. 17. 6. related to by these expressions, there was neither Sanhedrim, nor Judge
 18. 1. in *Israel*: so every man, or at least every Tribe govern'd it self as it
 19. 1. pleas'd. Which, nevertheless, is not so generally to be understood,
 21. 25. but that the Tribes (without either Judge or Sanhedrim) marching up
 Judg. 20. with their Standards and Staves of the Camp, not only assembl'd the
 Congregation in the usual place at *Mizpeh*, but there condemn'd BEN-
 JAMIN for the rape of the *Levites* Concubine; and, marching thence
 to put their Decree in execution, reduc'd that obstinate Tribe, or ra-
 ther destroy'd it by a Civil War.

Seft. 7. WHEN in this, and divers other ways, they had pamper'd their
The rise of the Enemies, and exhausted themselves, they grew (as well they might)
Hebrew Mo- out of love with their Policy; especially when after impious exhortu-
narchy. ration (*Wherefore has the Lord smitten us this day before the Philistines?*)
 1 Sam. 4. 3. they had, as it were, stak'd their God (*let us fetch the Ark—that it*
 1 Sam. 7. 3. *may save us*) and the Ark being taken by the Enemy, they fell to
 Idolatry. To this it happen'd, that tho' upon Repentance success was
 better, God having miraculously discomfited the *Philistines* before
 them; yet SAMUEL their Judge was old, and had made his two Sons
 (being *takers of Bribes, and perverters of Justice*) Judges over *Israel*.
 Whereupon, there was no gainfaying, but a King they must and would
 have.

C H A P. IV.

Shewing the State of the Israelites under their Kings, to the Captivity.

Seft. 1. FOR Method in this part, I shall first observe the Balance or
The Method of Foundation, then the Super-structures of the *Hebrew* Monarchies;
this part. and last of all, the Story of the *Hebrew* Kings.

Seft. 2. THE Balance necessary to Kingly Government, even where it is
The Balance of regulated or not absolute, is thus describ'd by SAMUEL. *This will be the*
this Monarchy. manner of the King that shall reign over you: *He will take your Fields,*
 1 Sam. 8. 11, *your Vineyards, and your Oliveyards, even the best of them, and give them*
 14. *to his Servants.* That is, there being no provision of this kind for a
 King, and it being of natural necessity that a King must have such an
 Aristocracy or Nobility as may be able to support the Monarchy
 (which otherwise, to a People having equal shares in property, is al-
 together incompatible) it follows, that he must take your Fields, and
 give them to his Servants, or Creatures.

THIS notwithstanding could not SAUL do, in whose time the
 Monarchy attain'd not to any balance, but was soon torn from him
 like the lap of a Garment. The Prince who gave that balance to this
 2 Sam. 8. 1. Monarchy, which it had, was DAVID: for besides his other Con-
 1 Chron. 11. quests, by which he brought the *Moabites*, the *Syrians* of *Damascus*,
 the *Ammonites*, the *Amalekites*, the *Edomites*, to his Obedience, and ex-
 tended his Border to the river *Euphrates*, he smote the *Philistines*, and
 subdu'd them, and took Gath and her Towns, out of the hand of the *Phi-*
listines.

listines. Now this Country which DAVID thus took, was part of Chap. 4. the Land given to the People by God, and which was by the Law of MOSES to have been divided by Lot to them. Wherefore if this division follow'd not, but DAVID having taken this Country, did hold it in his particular Dominion or property; then tho' he took not from the People any thing whereof they were in actual possession, yet, as to their legal Right, took he from them (as SAMUEL had forewarn'd) *their Fields, their Vineyards, and their Oliveyards, even the best of them, and gave them to his Servants, or to a Nobility, which by this means he introduc'd.*

THE first Order of the Nobility thus instituted, were, as they are term'd by our Translators, DAVID's Worthies: to these may be added, the great Officers of his Realm and Court, with such as sprang out of both. But however, these things by advantage of foreign Conquest might be order'd by DAVID, or continu'd for the time of his next Successor; certain it is, that the balance of Monarchy in so small a Country must be altogether insufficient to it self, or destructive to the People.

THE Common-wealth of *Lacedemon*, being founded by LYCURGUS upon the like Lots with these design'd by MOSES, came, after the spoil of *Athens*, to be destroy'd by Purchasers, and brought into one hundred hands; whereupon, the People being rooted out, there remain'd no more to the two Kings, who were wont to go out with great Armies, than one hundred Lords: nor any way, if they were invaded, to defend themselves, but by Mercenaries, or making War upon the Penny; which, at the farthest it would go (not computing the difference in Discipline) reach'd not, in one third, those Forces which the popular Balance could at any time have afforded without Money. This some of those Kings perceiving, were of all others the most earnest to return to the popular Balance. What Disorders in a Country no bigger than was theirs, or this of the *Israelites*, must, in case the like course be not taken, of necessity follow, may be at large perus'd in the story of *Lacedemon*; and shall be fully shewn, when I come to the story of the present Kings.

FOR the Superstructures of DAVID's Government, it has been shewn at large what the Congregation of *Israel* was; and that without the Congregation of *Israel*, and their Result, there was not any Law made by DAVID. The like in the whole, or for the most part, was observ'd till REHOBOAM, who, refusing to redress the Grievances of the People, was depos'd by one part of this Congregation or Parliament, and set up by another; to the confusion both of Parliament and People. And DAVID (as after him JEHOSHAPHAT) did restore the Sanhedrim; I will not affirm, by popular Election, after the antient manner. He might do it perhaps, as he made JOAB over the Host, JEHOSHAPHAT Recorder, and SERAIAH Scribe. Certain it is, the *Jewish* Writers hold unanimously, that the seventy Elders were in DAVID's time, and by a good token; for they say, to him only of all the Kings it was lawful, or permitted, to enter into the Sanhedrim: which I the rather credit, for the words of DAVID, where he says, *I will praise the Lord with my whole Heart in the Council, and in the Congregation of the Upright*; which words relate to the Senate, and the Congregation of *Israel*. The final cause of the popular Congregation, in a Common-wealth, is to give such a balance by their

2 Sam. 23.
1 Chron. 11.

Sect. 3.
*A Parallel of
the Monarchi-
cal Balances
in Israel and in
Lacedemon.
Plutarch in
Agis and
Cleomenes.*

Sect. 4.
*The Superstruc-
tures of the He-
brew Monar-
chy.*

1 Sam. 8. 15.

Psal. 111. 1.

Book II.

Psal. 82. 1

Sect. 5.

The Story of the
Hebrew Kings.

Result, as may, and must keep the Senate from that Faction and Corruption, whereof it is not otherwise curable, or to set it upright. Yet our Translation gives the words cited, in this manner: *I will praise the Lord with my whole Heart in the Assembly of the Upright, and in the Congregation.* There are other Allusions in the *English* Psalms, of the like nature, shaded in like manner: As, *God is present in the Congregation of God* (that is, in the Representative of the People of *Israel*) *he judges among the Gods*, that is, among the seventy Elders, or in the Sanhedrim. What the Orders of the *Israelitish* Monarchy in the time of DAVID were, tho' our Translators throughout the Bible have done what they could against Popular Government, is clear enough in many such places.

TO conclude this Chapter with the story of the *Hebrew* Kings: Till REHOBAM, and the division (thro' the cause mention'd) of the Congregation in his time, the Monarchy of the *Hebrews* was one, but came thenceforth to be torn into two: that of *Judah*, consisting of two Tribes, *Judah* and *Benjamin*; and that of *Israel*, consisting of the other ten. From which time this People, thus divided, had little or no rest from the flame of that Civil War, which, once kindl'd between the two Realms or Factions, could never be extinguish'd but in the destruction of both. Nor was Civil War of so new a date among them; SAUL, whose whole Reign was impotent and perverse, being conquer'd by DAVID; and DAVID invaded by his Son ABSALOM so strongly, that he fled before him. SOLOMON, the next Successor, happen'd to have a quiet Reign, by settling himself upon his Throne in the death of ADONIJAH his elder Brother, and in the deposing of the High Priest ABIATHAR; yet made he the yoke of the People grievous. After him, we have the War between JEROBOAM and REHOBAM. Then, the Conspiracy of BAASHA against NADAB King of *Israel*, which ends in the destruction of JEROBOAM's House, and the Usurpation of his Throne by BAASHA, which BAASHA happens to leave to his Son ASA. Against ASA rises ZIMRI, Captain of the Chariots; kills him with all his kindred, reigns seven days; at the end whereof he burns himself for fear of OMRI, who upon this occasion is made Captain by one part of the People, as is also TIBNI by another. The next Prize is paid between OMRI and TIBNI, and their Factions; in which TIBNI is slain. Upon this success, OMRI outdoing all his Predecessors in Tyranny, leaves his Throne and Virtues to his Son AHAB. Against AHAB drives JEHU furiously, destroys him and his Family, gives the flesh of his Queen JEZEBEL to the Dogs, and receives a Present from those of *Samaria*, even seventy heads of his Masters Sons in Baskets. To ASA and JEHOSHAPHAT, Kings of *Judah*, belongs much Reverence. But upon this Throne sat ATHALIAH; who, to reign, murder'd all her Grand-children except one, which was JOASH. JOASH being hid by the High Priest, at whose command ATHALIAH was some time after slain, ends his Reign in being murder'd by his Servants. To him succeeds his Son AMAZIA, slain also by his Servants. About the same time ZACHARIAH King of *Israel* was smitten by SHALLUM, who reign'd in his stead: SHALLUM by MANAHIM, who reign'd in his stead: PEKAHA the Son of MANAHIM by PEKAH one of his Captains, who reign'd in his stead: PEKAH by

by HOSHEA. HOSHEA having reign'd nine years, is carry'd by SAL-
MANAZZER King of *Affyria* with the ten Tribes into Captivity. Now
might it be expected that the Kingdom of *Judab* should enjoy Peace:
a good King they had, which was HEZEKIAH; but to him succeed-
ed his Son MANASSEH, a shedder of innocent Blood. To MANAS-
SEH succeeded his Son AMMON, slain by his Servants. JOSIAH the
next, being a good Prince, is succeeded by JEHOAHAZ, who being
carry'd into *Egypt*, there dies a Prisoner, while JEHOIAKIM his Bro-
ther becomes PHARAOH's Tributary. The last of these Princes was
ZEDEKIAH, in whose Reign was *Judab* led away captive by NEBU-
CHADNEZZAR. Thus came the whole Enumeration of those dread-
ful Curses denounc'd by MOSES in this case, to be fulfil'd in this People;
of whom it is also said, *I gave them a King in my anger, and took* Deut. 28.
him away in my wrath. Hof. 13. 11.

TO conclude this Story with the Resemblances or Differences that
are between Monarchical and Popular Government: What Parallel
can there be beyond the Stories whereby each of them are so largely
describ'd in Scripture? True it is, that AHIMELEC usurp'd the Ma-
gistracy of Judge in *Israel*, or made himself King by the men of *Si-
chem*; that the men of *Ephraim* fought against JEPHTHA, and that
there was a Civil War caus'd by *Benjamin*: yet, in a Popular Govern-
ment, the very womb (as they will have it) of tumult, tho' never so
well founded that it could be steady, or take any sufficient root, can
I find no more of this kind.

BUT the Tribunes of the People in *Rome*, or the *Romans* under
the Magistracy of their Tribunes, throughout the whole Administration
of that Government, were never quiet; but at perpetual strife and en-
mity with the Senate. It is very true; but first, this happen'd not
from a Cause natural to a popular Government, but from a Cause un-
natural to Popular Government; yea, so unnatural to Popular Govern-
ment, that the like has not been found in any other Common-wealth.
Secondly, the Cause is undeniably discover'd to have consisted in a
Faction introduc'd by the Kings, and foster'd by the Nobility, exclud-
ing the Suffrage of the main body of the People thro' an Optimacy,
or certain rank or number admitted not by the People or their Election,
but by the value of their Estates, to the Legislative Power, as the Com-
mons of that Nation. So the State of this People was as if they had
two Houses of Lords, and no House of Commons. Thirdly, this
danger must have been in any other Nation, at least in ours, much
harder to be incur'd, than Authors hitherto have made it to be seen in
this. And last of all, this Enmity, or these Factions, were without
Blood, which in Monarchies they are not, as you saw well in those
mention'd; and this Nation in the Baron's Wars, and in those of *York*
and *Lancaster*, besides others, has felt. Or, if at length they came
indeed to Blood, this was not till the Foundations were destroy'd, that
is, till the Balance of Popular Government in *Rome* was totally ruin'd;
which is equally in cases of the like nature unavoidable, be the Govern-
ment of what kind soever, as of late years we have been sufficiently
inform'd by our own sad Experience.

Sect. 6.
*A Parallel of
the Tribunitian
Storms with
those in the
Hebrew Mo-
narchies.*

Shewing the State of the Jews in the Captivity, and after their return out of it; with the Frame of the Jewish Common-wealth.

Sect. 1.
*The State of
the Israelites
in Captivity*

Jer. 25. 12.
2 Chr. 36. 22.
Ezra 1.

WE left the Children of *Israel* upon a sad march, even into Captivity. What Orders had been antiently observ'd by them during the time they were in *Egypt* (one of which, as has been already shewn, was their seventy Elders) the same, so far as would be permitted by the Princes whose Servants they were, continu'd in practice with them during the time of their Captivity, out of which the ten Tribes never more return'd. The two Tribes, *when seventy years were accomplish'd* from the time that they were carry'd away by *NEBUCHADNEZZAR*, and *in the first year of CYRUS King of Persia*, return'd the best part of them, not only with the King's leave and liking, but with restitution of the Plate and Vessels belonging to the Temple.

Sect. 2.
*The Balance of
the Common-
wealth restor-
ed by Zoro-
babel.*
Ezra 2.
Ezra 8.

Ezra 2. 59.

THE first Colony (as I may say) of the two Tribes, or those that return'd under the Conduct of *ZOROBABEL* Prince of *Judah*, amounted to forty two thousand three hundred and threescore, among which there were about one hundred Patriarchs or Princes of Families. To these, in the reign of *ARTAXERXES*, came sixteen or twenty Princes more with their Families; among whom the Prophets *HAGGAI*, *ZACHARIAS*, and *MALACHI* were eminent. Some of them *could not shew their Father's House and their Seed, whether they were of Israel*. But these were few; for it is said of them in general, *That they went every one to his own City, or to the Inheritance of his Fathers: In which you may note the restitution of the Balance of the Moisaical Commonwealth; tho' to what this might come without fixation, the Jubile being not after the Captivity in use, I cannot say. However, for the present, plain it is that the antient Super-structures did also ensue: as in order to the putting away of the strange Wives, which the People in Captivity had taken, is apparent.*

Sect. 3.
*The Super-
structures of
this Common-
wealth in the
time of Ezra
and Nehemia.*

Ezra 10. 8, 9.

THEIR whole progress hitherto is according to the Law of *MOSES*; they return every man to his Inheritance by direction of his Pedegree, or according to the House of his Fathers; they are led by Princes of their Families, and are about to put away strange Wives: for what reason then should a man believe that what follows should not be according to the Orders of the same Law-giver? Now that which follows, in order to the putting away of these foreign Wives, is, *Proclamation was made throughout Judah and Jerusalem to all the Children of the Captivity, that they should gather themselves to Jerusalem; and that whosoever would not come within three days, according to the council of the Princes and Elders, all his Substance should be forfeited, and himself separated from the Congregation of those that had been carried away.* This plainly, by the penalty annex'd, is a Law for Banishment; of which kind there was none made by *MOSES*; and a Law made by the Princes and the Elders. What doubt then can remain, but these Elders were the Sanhedrim, or seventy Elders? But whereas neither the Sanhedrim, nor any other Senate of it self has been found to make Laws, what others can these Princes be that are join'd with the Elders, than those

those spoken of before; that is, the Princes of Families, or the chief Fathers in the Congregation of them that had been carried away? So the Princes and the Elders in this place may be understood of the Sanhedrim and the People: for thus DAVID proposes to the Congregation of the People of *Israel*, or the chief Fathers, and must be understood of them; because there is no such thing throughout the Scripture to be found, as a Law made by the Sanhedrim without the People: and if so, then that the Sanhedrim with the People had power to make a Law, is by this place of Scripture undeniably evinc'd. But besides the chief Fathers, which here are call'd *Rulers of the Congregation*, and in the time of DAVID were call'd *Captains of thousands and Captains of hundreds*, mention is also made of the *Elders of every City, and the Judges thereof*; in which words you have the Judges in the Gates throughout the Tribes of *Israel*, as they were instituted by MOSES. All which particulars being rightly sum'd up, come to this total; that the Common-wealth restor'd by EZRA, was the very same that originally was instituted by MOSES.

Chap. 5.

1 Chr. 27. 1.

Ezra. 10. 14.

SUCH was the Government restor'd by ZOROBABEL, EZRA, and NEHEMIA. Now whether the *Jewish* or Cabalistical Common-wealth, father'd by the Presbyterian *Jews* of latter ages upon MOSES or EZRA, be the same, shall be shewn by reducing the invention of these Men to three heads: as first, their *Cabala*; secondly, their *Ordination*; and last of all, their great *Synagogue*.

Sect. 4.

A Transition to the Cabalistical or Jewish Common-wealth.

THE *Cabala*, call'd also by the *Jews* the Oral Law, consists of certain traditions by them pretended at the institution of the Sanhedrim to have been verbally deliver'd to the seventy Elders by MOSES for the Government of the Common-wealth. These were never written till after the dispersion of the *Jews* by the Emperor ADRIAN; when, to save them from being lost, they were digested into those Volumes call'd the *Talmud*: which they hold to be, and indeed are as to matter of Fact, the authentic Records of their Government. Of the Traditions thus recorded says one of the *Rabbins* or *Jewish Doctors*: *Think not that the written Law (or the Law of MOSES) is fundamental, but that the Oral or Traditional Law is fundamental, it being upon this that God enter'd into a League with the Israelites, as it is written: After the tenour of these words, I have made a Covenant with thee, and with Israel. A man (says another) who returns from the study of the Talmud to the study of the Bible, can have no quiet conscience, neither was there any peace to him that went out or came in.* The like whereof is the Talmudical way of applying Scripture throughout. And it was the common Blessing the *Pharisees* gave their Children: *My son, hearken to the words of a Scribe or Doctor, rather than to the Law of MOSES.* To whom says CHRIST hereupon, *You have made the Commandment of God of no effect by your tradition.*

Sect. 5.

The Cabala.

Rabbi Corbuleus.

Exod. 34. 27. In codice juris Chagiga.

Zach. 8. 10.

Mat. 15. 6.

Now as true as the *Talmud*, or as this word of a Scribe, or that MOSES deliver'd the Oral Law to the seventy Elders and to JOSHUA, so true it is that MOSES ordain'd both the seventy Elders and JOSHUA by the imposition of Hands; and that this Ordination by the imposition of Hands, together with the Oral Law, came successively, and hand in hand from the seventy Elders, and from JOSHUA downright to these Doctors. This indeed is so generally affirm'd by their *Talmudists*, that there is no denying of it; but, that as to the seventy Elders it is quite contrary to Scripture, has already been

Sect. 6.

Ordination by Imposition of Hands.

Book II. made sufficiently apparent; for JOSHUA is acknowledged to have been ordain'd by MOSES with Imposition of hands. But this Argument (besides that the Act of MOSES was accompanied with a miracle, and that it is absurd to think that a thing plainly miraculous should or can be receiv'd as an Order in a Common-wealth) will go no farther than that JOSHUA, upon this Authority, might have elected his Successor by imposition of hands. Let them shew us then that he did so, or indeed that he left any Successor at all; for certainly if JOSHUA left no Successor so ordain'd, or no Successor at all (which is the truth of the case) then descended there upon them no such Ordination from JOSHUA; and so by consequence none from MOSES. Whence it follows, that the Authority and Vogue of Ordination by the imposition of hands among the *Jews* proceeds not from the Law of MOSES, but from the Oral Law; which how bad an Authority soever it be to us of right, is of fact, or of what the exercise of Ordination was among the *Jews*, a good and sufficient testimony. Now thereby the condition of this Ordination (tho' in some times of the Common-wealth it was less restrain'd) was such, that no man not having receiv'd the same from the great Sanhedrim, or some one of the inferior Courts by laying on of hands, by word of mouth, or by writing, could be a Presbyter, or capable of any Judicature or Magistracy in the Common-wealth, or to give Counsil in the Law, or any part of the Law, or to be of the Assembly of the great Synagogue.

Sect. 7.
The great Synagogue.

Grot. ad Mat.
10. 17.

Acts 4. 6.

Acts 5. 21.

WHAT the Assembly of the Princes and Fathers was in the time of EZRA, has been shewn, and is left to the Judgment of others. But this is that which the *Talmudists* and their Ancestors the Cabalistical *Jews* (among which the *Pharisees* were of the highest rank) unanimously affirm to have consisted of the seventy Elders, and of a Juncta of fifty Presbyters not elected by the People; but by the laying on of hands by the Sanhedrim, or by some other Judicatory. This, they say, was the institution of their great Synagogue, where I leave them: but that, according to the sense wherein they cite their Authorities, the like with them was a constant practice, appears not only by their own Testimony and Records, but is plain in Scripture; as where CHRIST speaks of the *Jews* to his Apostles in this manner, *They will scourge you in their Synagogues*: that is, the *Jews*, having as yet no Law made whereby they can invade the Liberty of Conscience, or bring you for the practice thereof to punishment, will call their great Synagogue, wherein the Priests and the *Pharisees*, or the Sanhedrim, have at least seven to five the over balancing Vote over the rest. Which also are their Creatures, and by these will easily carry, or make such Laws whereby they may inflict upon you corporal Punishment: which Interpretation of Christ's words, was fulfil'd even to a tittle, or rather with over measure. For upon this occasion the High Priest, and as many as were of the kindred of the High Priest, were gather'd together at Jerusalem. That this same Juncta, to be in this case added to the Sanhedrim, was to consist but of fifty, those fifty not elected by the People, but chosen by the Elders of the Sanhedrim; and not out of the body of the People, but out of such only as had receiv'd Ordination by the Sanhedrim, or by some other Court, or indeed were actually Judges in some other Court, was not enough, unless they might consist also of as many as were of the kindred of the High Priest. Which Rights and Privi-

Privileges being all observ'd, *The High Priest came, and they that were with him, and call'd the Sanhedrim, and all the Presbytery of the Children of Israel*: that is, so many of them, as being assembl'd in the great Synagogue, represented *all the Presbytery of the Children of Israel*, or all the Children of *Israel* themselves. In this Assembly you have the full description of the great Synagogue: and *when (in this Synagogue) they had beaten the Apostles PETER and JOHN, they commanded them that they should not speak in the Name of JESUS, and let them go.* Upon these proceedings there are Considerations of good importance; as first, That the Cabalistical Doctors themselves did never so much as imagine that MOSES had endu'd the Sanhedrim alone, or separately consider'd from the People, with any Legislative Power; nevertheless, that the Sanhedrim came into the place, and succeeded to the whole Power of MOSES, they unanimously held: whence, even upon their Principles, it must follow that in MOSES, distinctly and separately taken from the People, there could be no Power of making any Law. The second thing remarkable in this proceeding, is, That the most corrupt Commonwealth, and in her most corrupt Age, had not yet the face, without some blind, of pretending to Legislative Power in a single Council. The last I shall observe, is, That no possible security is to be given to liberty of Conscience, but in the security of Civil Liberty, and in that only not by Laws which are otherwise as perishing as flowers or fruits, but in the roots or fundamental orders of the Government. What even in these times must have follow'd, as to the liberty of Conscience, had there been an equal Representative of the People, is apparent, in that the Captain and the Officers, employ'd by this Synagogue to apprehend the Apostles, *brought them without violence; for they fear'd the People, lest they should have been ston'd.* It is true, there is nothing with us more customary, even in the solemnest places, and upon the solemnest occasions, than to upbraid the People with giddiness from the *Hosanna* and the *Crucifixe* of the *Jews*. What may be charg'd upon a multitude not under orders, the fouler Crime it be, is the fairer Argument for such Orders, as where they have been once establish'd, the People have not been guilty of such Crimes; at least, it should seem, that in this case there is great scarcity of Witnesses against them, seeing the Death of SOCRATES is more laid to one People, than that of all the Martyrs to Kings: yet were the false Witnesses by whom SOCRATES suffer'd (and by the like whereto a man in the best Government may chance to suffer) no sooner discover'd, than they were destroy'd by the People, who also erected a Statue to SOCRATES. And the People who, at the Arraignment of CHRIST, cry'd, *Crucify him, crucify him*, were such as the chief Priests mov'd or prompted, and such also as *fear'd the multitude*. Now that the People which could be prompted by the chief Priests, or the People which could fear the People, could be no other than this pretended Representative of the People, but indeed a Juncta of Cousins and Retainers, is that which, for ought I know, may be possible; and the rather, for what happen'd before upon the Law call'd among the *Jews*, *The Law of the Zealot*, which was instituted by MOSES in these words: *If thy Brother, the Son of thy Mother—intice thee, saying, Let us go and serve other Gods—thy hand shall be first upon him to put him to death—and afterwards the hand of all the People.* By this Law it is plain that, as to the true intent thereof, it relates to no other case than that only of Idolatry. The execution

Chap. 5.

Act. 5. 40.

Acts 5. 26.

Mark 15. 11.

Mat. 21.

Deut. 13. 6.

Book II. execution of the same, according to the *Talmud*, might be perform'd by any number of the People, being not under ten, either apprehending the Party in the Fact, or upon the Testimony of such Witnesses as had so apprehended him: yet will it not be found to have been executed by the People, but upon instigation of the Priest, as where (they interpreting the Law as they list) STEPHEN is ston'd. Now if the Priests could have made the People do as much against CHRIST, what needed they have gone to PILAT for help? and if they could not, why should we think that the multitude which cry'd out, *Crucify him, crucify him*, should be any other than the great Synagogue?

HOWEVER, that it was an Oligarchy, consisting of a Senate and a Presbytery, which not only scourg'd the Apostles, but caus'd CHRIST to be crucify'd, is certain. And so much for the great Synagogue.

Sect. 8.
*The Model of
the Jewish
Common-
wealth.*

THESE parts being historically laid down and prov'd, it follows that the Cabalistical or *Jewish* Common-wealth was much after this Model.

BE the capacity of bearing Magistracy, or giving Council upon the Law or any part of the Law of this Common-wealth, in no other than such only as are Presbyters.

BE Presbyters of two sorts: the one general, the other particular.

BE Presbyters general ordain'd by the laying on of hands of the Prince of the Sanhedrim with the rest of the Elders, or Presbytery of the same, and by no other Court without a Licence from the Prince of the Sanhedrim; and be those ordain'd in this manner eligible by the major vote of the seventy Elders into the Sanhedrim, or into any other Court by the major vote of the Elders or Presbytery of that Court.

BE Presbyters particular ordain'd by any Court of Justice; and be these capable of giving Counsil in the Law, or in some particular part of the Law, according to the gift that is in them by the laying on of the hands of the Presbytery.

BE all Presbyters capable of nomination to the great Synagogue.

BE the Sanhedrim in Law made the supreme Magistracy or Judiciary; and with a Juncta of fifty Presbyters of their Nomination, the great Synagogue.

BE the great Synagogue the Legislative Power in this Common-wealth.

SUCH was the Government, where the word of a Scribe or Doctor was avowedly held to be of more validity than the Scripture; and where the usual appellation of the People, by the Doctors and *Pharisees*, was (*populus terræ*) the Rascally Rabble.

Regis ad exemplum totus componitur orbis.

Sect. 9.
*Ordination in
the lesser Sy-
nagogue.*

THERE were other Synagogues for other uses, as those wherein the Law was read every Sabbath-day; each of which also had her Ruler and her Presbytery, with power to ordain others to this Capacity.

CHAP.

C H A P. VI.

Shewing how Ordination was brought into the Christian Church, and the divers ways of the same that were at divers times in use with the Apostles.

WE do not find that CHRIST (who gave little countenance to the Jewish Traditions) ordain'd his Apostles or Disciples by the imposition of hands: his Apostles were twelve, whom he compares to the twelve Princes of the Tribes of *Israel*; and his Disciples were seventy, in which number it is receiv'd by Divines, that he alluded to the seventy Elders or Sanhedrim of *Israel*. So thus far the Government of the Church, instituted by CHRIST, was according to the form instituted by MOSES. But CHRIST in this form was King and Priest, not after the institution of MOSES, who separated the *Levites* to the Priest-hood; but as before MOSES, when the Royal and Priestly Function were not separated, and after the order or manner of MELCHISEDEC, who came not to the Priest-hood by proving his Pedigree, as the High Priest in *Israel* by Father, or as the King Priest in *Athens* by Mother, but without Father and Mother. Or be what has been said of MELCHISEDEC approv'd or rejected, such for the rest, as has been shewn, was the form introduc'd by CHRIST into his Church.

Sect. 1.
The form introduc'd by Christ into his Church.
Matth. 19. 28.

Vid. Grotium,
& videat Grotius, in Epist. ad Hebræos.

CHRIST being taken up into Heaven, his Disciples or Followers in *Jerusalem* increas'd to about one hundred and twenty names; and the Apostles decreas'd by one, or by JUDAS, who was gone to his place. PETER, whether upon the Council or Determination of the eleven Apostles (as is most probable) before-hand or otherwise, stood up and spoke both to the Apostles and Disciples assembl'd upon this occasion, That one out of the present Assembly might be ordain'd an Apostle: and they (that is, the Congregation, or why was this propos'd to them?) appointed two by Suffrage; for how otherwise can an Assembly appoint? These were BARSABAS and MATTHIAS, which Names, being written in scrols, were cast into one Urn; two Lots, whereof one was a blank, and the other inscrib'd with the word *Apostle*, being at the same time cast into another Urn. Which done, they pray'd that God would shew which of the Competitors by them so made, he had chosen: when they had thus pray'd, they gave forth their Lots, that is, a scrol out of the one Urn, and then a name to that scrol out of the other Urn; and the Lot fell upon MATTHIAS, or MATTHIAS was taken; whereupon MATTHIAS was number'd, or rather decreed with the eleven Apostles. For * *Psephisma*, being a word which properly derives from such Stones or Pebbles, as popular Assemblies of old were wont to ballot with or give suffrage by, not only signifies a Decree, but especially such a Decree as is made by a popular Assembly. Now if this was Ordination in the Christian Church, and of Apostolical Right, then may there be a way of Ordination in the Christian Church, and of Apostolical Right, exactly conformable to the Ballot, or way us'd by MOSES in the institution of the seventy Elders or Sanhedrim of *Israel*.

Sect. 2.
The first way of Ordination.
Acts 1.

* Συψησιμα
ἕψησιμα.

Book II.

Sect. 3.
The second way
of Ordination.

Acts 4. 4.

Acts 6.

AFTER the conversion of some thousands more, most, if not all, of which were *Jews*, a People tho' converted, yet so tenacious of their Laws and Customs, that even Circumcision (hitherto not forbidden by the Apostles) was continu'd among them; *the twelve Apostles call'd the multitude of Disciples to them*. So MOSES, when he had any thing to propose, assembl'd the People of *Israel*. And when the twelve had thus call'd the Disciples, *they said, Look ye out among you seven men of honest report, full of the Holy Ghost and Wisdom, whom we may appoint over this business*. So MOSES said to the Congregation of *Israel*, *Take ye wise men, and understanding, and known among your Tribes, and I will make them Rulers over you*. And the saying of the Apostles pleas'd the whole multitude. So the People of *Israel* were wont to answer to MOSES, *The thing which thou sayest is good for us to do*. This saying of the Apostles being thought good by the whole multitude, the whole multitude elected seven men *whom they set before the Apostles: and when they had pray'd, they laid their hands on them*. To say in this place (as they do) that the Act of the People was but a Presentation, and that the Apostles had power to admit or refuse the Persons so presented, is as if one should say, That the act of electing Parliament-men by the People of *England*, was but a Presentation, and that the King had power to admit or refuse the Persons so presented. And seeing the *Deacons* henceforth had charge of the Word, to say, that by this choice the *Deacons* receiv'd not the charge of the Word, but the care to serve Tables, is as if one should say, That Parliament-men by their Election receiv'd only the care to levy Money or Provision for the King's Table; but if upon such Election they debated also concerning Laws, that Power they receiv'd from the King only.

BUT if this was a way of Ordination in the Christian Church, and of Apostolical Right, then there may be a way of Ordination in the Christian Church, and of Apostolical Right, consisting in part of the Orders of the *Israelitish* Common-wealth, and in part of the Orders of the *Jewish* Common-wealth.

Sect. 4.
the third way
of Ordination.
1 Tim. 4. 14.
2 Tim. 1. 6.

LASTLY, PAUL writing to TIMOTHY concerning his Ordination, has in one place this expression, *Neglect not the Gift that is in thee, which was given thee by prophesy, with the laying on of the hands of the Presbytery*. So the Presbytery of a *Jewish* Synagogue laid their hands on the Party ordain'd. And in another place he has this expression: *Stir up the Gift of God which is in thee by the laying on of my hands*. So the Ruler of a *Jewish* Synagogue did lay his hands also on the Party ordain'd. Moreover, the Apostle in these words, *The Gift that is in thee by laying on of hands*, tho' in relation to Gifts beyond comparison more excellent, uses the Phrase known upon the like occasion to have been common with the *Jews*. Wherefore if this were a way of Ordination in the Christian Church, and of Apostolical Right, then may there be a way of Ordination in the Christian Church exactly conformable to the *Jewish* Common-wealth, and yet be of Apostolical Right. Nor is it so strange that the Apostles in matters of this nature should comply with the *Jews*, of which so many were converted, seeing it is certain that not only the Apostles, but all such as in these times were converted, did observe the *Jewish* Sabbath; nay, and that PAUL himself took TIMOTHY and circumcis'd him, because of the *Jews*; that is, to comply with them, or to give them no offence. Nor do our Divines any where pretend imposition of hands to be deriv'd from CHRIST, but unani-

unanimously confess, that it was taken up by the Apostles from the Jewish Sanhedrim.

NOW in these several ways of Ordination, there is a most remarkable Providence of God. For whereas States and Princes in receiving of Religion are not at any point so jealous as of an incroachment upon their Power; the first way of Apostolical Ordination destroys Monarchical Power: the last wholly excludes the Power of the People: and the second has a mixture which may be receiv'd by a Common-wealth, or by a Monarchy. But where it is receiv'd by a Common-wealth, the imposition of hands comes to little; and where it is receiv'd by a Monarchy, the Election of the People comes to nothing, as may be farther consider'd in the original and progress of the Congregation & Elire.

Sect. 5.
The Providence
of God in the
different way
of Apostolical
Ordination.

THE ways of Ordination or of Church Government lying thus in Scripture, the not receiving of the Christian Religion is not that whereof any State or Prince thro' the whole world can be any ways excusable.

The Conclusion :

Shewing, that neither GOD, nor CHRIST, or the APOSTLES, ever instituted any Government Ecclesiastical or Civil upon any other Principles than those only of Human Prudence.

TO sum up this second Book in the Uses that may be made of it: Certain it is of the Greek and Roman Stories that he who has not some good Idea or Notion of the Government to which they relate, cannot rightly understand them. If the like holds as to the Scripture Story, some light may be contributed to it by this Book. Again, if some gifted Men happening to read it, should chance to be of the same judgment, it is an Argument for acquir'd Learning, in that for the means of acquir'd Learning, and in the means of acquir'd Learning for Universities. For how little soever this performance be, had it not been the fashion with the English Gentry, in the breeding of their Sons to give them a smack of the University, I should not have done so much.

Sect. 1.
Uses of this
Book.

BUT letting these pass. If there were Common-wealths, or Governments exercising Sovereign Power by the Senate and the People, before that of Israel, as namely, Gibeon: If the inferior Orders and Courts in Israel, as those instituted by MOSES after the advice of JETHRO a Heathen, were transcrib'd out of another Government tho' Heathen, as namely, that of Midian: If the order of the Church introduc'd by CHRIST in his twelve Apostles and his seventy Disciples, were after the pattern of Israel, namely, in the twelve Princes of the Tribes, and the seventy Elders: If there were three distinct ways of Ordination introduc'd by the Apostles; one exactly according to the Ballot of Israel, as namely, in the Ordination of MATTHIAS; another exactly according to the way of the Jewish Sanhedrim or Synagogue, as namely, that of TIMOTHY; and a third, compos'd of these two, as namely, that of the Deacons: Then is it a clear and undeniable result of the whole, That neither GOD, nor CHRIST,

Sect. 2.
The present use
of this Book.

Book II. *or the APOSTLES, ever instituted any Government Ecclesiastical or Civil upon any other Principles than those only of Human Prudence.*

Sect. 3.
The Consequence of this Use.

AN Observation of such consequence, as, where it has been rightly consider'd, there the truth of Religion and of Government once planted, have taken root and flourish'd; and where it has not been rightly heeded, there has Religion or the pretence of it been the hook and the line, and the State the prey of Impostors and false Prophets, as was shewn in the hypocritical *Pharisees*, for ever stigmatiz'd by the word of Truth.

AND for might, let her be never so much exalted in her self, let her Sword be never so dreadfully brandish'd; the Government not founded upon Reason, a Creature of God, and the Creature of God whose undoubted right in this part is by himself undeniably avow'd and asserted, is a Weapon fram'd against God; and no Weapon fram'd against God shall prosper.

Sect. 4.
A transition to the next Book.

THE Principles of Human Prudence, and in them the Art of Law-giving, being shewn in the first Book, and vindicated throughout the whole course of Scripture by this second, I come in the third to shew a Model of Government, fram'd according to the Art thus shewn and the Principles thus vindicated.

T H E
T H I R D B O O K :
 C O N T A I N I N G A
M O D E L
 O F

Popular Government,

Practically propos'd according to Reason, confirm'd by the Scripture, and agreeable to the present Balance or State of Property in *England*.

The P R E F A C E.

Containing a Model of Popular Government, propos'd Notionally.

TH E R E is between the Discourses of such as are commonly call'd Natural Philosophers, and those of Anatomists, a large difference; the former are facil, the latter difficult. Philosophers, discoursing of Elements for example, that the Body of Man consists of Fire, Air, Earth and Water, are easily both understood and credited, seeing by common Experience we find the Body of Man returns to the Earth from whence it was taken. A like Entertainment may befall Elements of Government, as in the first of these Books they are stated. But the fearful and wonderful making, the admirable structure and great variety of the parts of man's Body, in which the Discourses of Anatomists are altogether conversant, are understood by so few, that I may say they are not understood by any. Certain it is, that the delivery of a Model of Government (which either must be of no effect, or embrace all those Muscles, Nerves, Arteries and Bones, which are necessary to any Function of a well order'd Common-wealth) is no less than political Anatomy. If you come short of this, your Discourse is altogether ineffectual; if you come home, you are not understood: you may, perhaps, be call'd a learned Author; but you are obscure, and your Doctrine is impracticable. Had I only suffer'd in this, and not the People, I should long since have left them to their humour; but seeing it is they that suffer by it, and not my self, I will be yet more a fool, or they shall be yet wiser. Now comes into my head what I saw long since

Book III. upon an *Italian* Stage, while the Spectators wanted Hoops for their sides. A Country fellow came with an Apple in his hand; to which, in a strange variety of faces, his Teeth were undoubtedly threaten'd, when enter'd a young Anatomist brimful of his last Lesson, who, stopping in good time the hand of this same Country fellow, would by no means suffer him to go on with so great an Enterprize, till he had first nam'd and describ'd to him all the Bones, Nerves, and Muscles which are naturally necessary to that motion: at which, the good man being with admiration plainly chop-fallen, comes me in a third, who, snatching away the Apple, devour'd it in the presence of them both. If the People, in this case whereof I am speaking, were naturally so well furnish'd, I had here learn'd enough to have kept silence: but their eating, in the political way, of absolute necessity requires the aid of some political Anatomist; without which, they may have Appetites, but will be chop-fallen. Examples whereof they have had but too many; one I think may be insisted upon without envy.

THIS is that which was call'd *The Agreement of the People*, consisting in sum of these Propositions:

The Anarchy of the Levellers. THAT there be a Representative of the Nation consisting of four hundred Persons, or not above.

WHICH Proposition puts the Bar on the quite contrary side; this being the first example of a Common-wealth, wherein it was conceived, that five hundred thousand men, or more, might be represented by four hundred. The Representation of the People in one man, causes Monarchy; and in a few, causes Oligarchy: the Many cannot be otherwise represented in a State of Liberty, than by so many, and so qualify'd, as may within the compass of that number and nature embrace the interest of the whole People. Government should be established upon a Rock, not set upon a Precipice: a Representative consisting but of four hundred, tho' in the nature thereof it be popular, is not in it self a Weapon that is fix'd, but has something of the broken Bow, as still apt to start aside to Monarchy. But the paucity of the number is temper'd with the shortness of the term, it being farther provided.

THAT this Representative be biennial, and sit not above eight Months. But seeing a supreme Council in a Common-wealth is neither assembl'd nor dissolv'd, but by stated Orders directing upwards an irresistible strength from the root, and as one tooth or one nail is driven out by another; how is it provided that this Biennial Council shall not be a perpetual Council? Whereas nothing is more dangerous in a Common-wealth than intire Removes of Councils, how is it provided that these shall be men sufficiently experienc'd for the management of Affairs? And last of all, whereas dissolution to Sovereign Power is death, to whom are these after their eight months to bequeath the Common-wealth? In this case it is provided.

THAT there be a Council of State elected by each new Representative, within twenty days after their first meeting, to continue till ten days after the meeting of the next Representative. In which the faults observ'd in the former Order, are so much worse, as this Council consists of fewer. Thus far this Common-wealth is Oligarchy: but it is provided,

THAT these Representatives have Sovereign Power, save that in some things the People may resist them by Arms. Which first is a flat contradiction, and next is downright Anarchy. Where the Sovereign Power is not as intire and absolute as in Monarchy it self, there can be no Government at all. It is not the limitation of Sovereign Power that is the cause

cause of a Common-wealth, but such a libration or poize of Orders, that there can be in the same no number of men having the interest, that can have the power; nor any number of men having the power, that can have the interest, to invade or disturb the Government. As the Orders of Common-wealths are more approaching to, or remote from this Maxim (of which this of the Levellers has nothing) so are they more quiet or turbulent. In the Religious part only, proposing a *National Religion and Liberty of Conscience*, tho' without troubling themselves much with the means, they are right in the end.

AND for the Military part, they provide,

THAT no man (even in case of Invasion) be compellable to go out of the Country where he lives, if he procures another to serve in his room. Which plainly intails upon this Common-wealth a fit Guard for such a Liberty, even a Mercenary Army; for what one does of this kind, may and will (where there is no bar) be done by all: so every Citizen by money procuring his man, procures his Master. Now if this be work of that kind which the People in like cases (as those also of *Rome*, when they instituted their Tribunes) do usually make, then have I good reason not only to think, but to speak it audibly, That to sooth up the People with an opinion of their own sufficiency in these things, is not to befriend them, but to feed up all hopes of Liberty to the slaughter. Yet the *Leveller*, a late * Pamphlet, having gather'd out of *Oceana* the Principles by him otherwise well insinuated, attributes it to the Agitators, or that Assembly which fram'd this wooden agreement of the People: *That then some of that Council asserted these Principles, and the reason of them.*

BUT Railery apart, we are not to think it has been for nothing that the wisest Nations have in the formation of Government as much rely'd upon the invention of some one man, as upon themselves: for whereas it cannot be too often inculcated, that reason consists of two parts, the one Invention, the other Judgment; a People or an Assembly are not more eminent in point of Judgment, than they are void of Invention. Nor is there in this any thing at all against the sufficiency of a People in the management of a proper Form, being once introduc'd, tho' they should never come to a perfect understanding of it. For were the natural Bodies of the People such as they might commonly understand, they would be (as I may say) wooden Bodies, or such as they could not use; whereas their Bodies being now such as they understand not, are yet such as in the use and preservation whereof they are perfect.

THERE are in Models of Government things of so easy practice, and yet of such difficult understanding, that we must not think them even in *Venice*, who use their Common-wealth with the greatest prudence and facility, to be all, or any considerable number of them, such as perfectly understand the true reason or Anatomy of that Government: nor is this a presumptuous Assertion, since none of those *Venetians*, who have hitherto written of their own form, have brought the truth of it to any perfect light. The like perhaps (and yet with due acknowledgment to *Livy*) might be said of the *Romans*. The *Lacedemonians* had not the right understanding of their Model, till about the time of *ARISTOTLE* it was first written by *DICEARCHUS* one of his Scholars. How egregiously our Ancestors

* A later Pamphlet call'd *XXV Queries*, using the balance of Property, which is fair enough, refers it to Sir *Thomas Smith's* 15th chap. (*de Repub. populi ingenio accommodanda*) where the Author speaks not one word of Property; which is very foul.

Book II. (till those foundations were broken which at length have brought us round) did administer the *English* Government, is sufficiently known. Yet by one of the wisest of our writers (even my Lord VERULAM) is HENRY the Seventh parallel'd with the Legislators of antient and heroic times, for the institution of those very Laws which have now brought the Monarchy to utter ruin. The Common-wealths upon which MA CHI-AVEL in his Discourses is incomparable, are not by him, any one of them, sufficiently explain'd or understood. Much less is it to be expected from a People, that they should overcome the like difficulties, by reason whereof the wisest Nations (finding themselves under the necessity of a change, or of a new Government) induc'd by such offers as promis'd fair, or against which they could find no exceptions, have usually acted as men do by new Clothes; that is, put them on, that, if they be not exactly fit at first, they may either fit themselves to the body in wearing, or thereby more plainly shew wherein they can be mended even by such, as would otherwise prove but bad workmen. Nor has any such offer been thought to have more Presumption, much less Treason in it, than if one conscious of his skill in Architecture, should offer himself to the Prince or State to build a more convenient Parliament-house. *England* is now in such a condition, that he who may be truly said to give her Law, shall never govern her; and he who will govern her, shall never give her Law. Yet some will have it, that to assert Popular Power, is to sow the seed of Civil War, and object against a Common-wealth, as not to be introduc'd but by Arms; which by the undeniable testimony of later Experience, is of all other Objections the most extravagant: for if the good old Cause, against the desire even of the Army, and of all men well affected to their Country, could be trod under foot without Blood; what more certain demonstration can there be, that (let the deliberations upon, or changes of Government, be of what kind soever which shall please a Parliament) there is no appearance that they can occasion any Civil War? Streams that are stop'd may urge their Banks; but the course of *England*, into a Common-wealth, is both certain and natural. The ways of Nature require Peace: The ways of Peace require Obedience to the Laws: Laws in *England* cannot be made but by Parliaments: Parliaments in *England* are come to be mere popular Assemblies: The Laws made by popular Assemblies (tho' for a time they may be aw'd, or deceiv'd, in the end) must be popular Laws: and the sum of popular Laws must amount to a Common-wealth. The whole doubt or hazard of this Consequence remains upon one question, Whether a single Council consisting but of four hundred, indu'd both with Debate and Result; the Keys of whose Doors are in the hands of ambitious men; in the crowd and confusion of whose election the People are as careless as tumultuous, and easy, thro' the want of good Orders, to be deluded; while the Clergy (declar'd and inveterate Enemies of popular Power) are laying about, and sweating in the throng, as if it were in the Vineyard; upon whose Benches Lawyers (being feather'd and arm'd, like sharp and sudden Arrows, with a private interest pointblank against the Publick) may and frequently do swarm, can indeed be call'd a popular Council. This, I confess, may set the whole state of Liberty upon the cast of a Dy; yet questionless it is more than odds on the behalf of a Common-wealth, when a Government labours in frequent or long struggles, not thro' any certain bias of Genius or Nature that can be in such a Council, but thro' the impotence of such Conclusions as may go awry, and the external force or state of property now fully introduc'd: whence such

such a Council may wander, but never find any rest or settlement, except only in that natural and proper Form of Government which is to be erected upon a mere Popular Foundation. All other ways of proceeding must be void, as inevitably guilty of contradiction in the Superstructures to the Foundation; which have amounted, and may amount to the discouragement of honest men, but with no other success than to imbroil or retard Business: *England* being not capable of any other permanent Form than that only of a Common-wealth; tho' her supreme Council be so constituted, that it may be Monarchically inclin'd. This contradiction in the Frame is the frequent occasion of contradictory Expostulations and Questions. How, say they, should we have a Common-wealth? Which way is it possible that it should come in? And how, say I, can we fail of a Common-wealth? What possibility is there we should miss of it?

IF a man replies, he answers thus: No Army ever set up a Common-wealth. To the contrary, I instance the Army of *Israel* under MOSES; that of *Athens* about the time of ALCIBIADES; that of *Rome* upon the expulsion of the TARQUINS; those of *Switzerland* and *Holland*. But, say they, other Armies have not set up Common-wealths. True indeed; divers other Armies have not set up Common-wealths; yet is not that any argument why our Armies should not. For in all Armies that have not set up Common-wealths, either the Officers have had no Fortunes or Estates at all, but immediately dependent upon the mere Will of the Prince, as the *Turkish* Armies, and all those of the Eastern Countries; or the Officers have been a Nobility commanding their own Tenants. Certain it is, that either of these Armies can set up nothing but Monarchy. But our Officers hold not Estates of Noblemen able upon their own Lands to levy Regiments, in which case they would take home their People to plow, or make Hay; nor are they yet so put to it for their Livelihood, as to depend wholly upon a Prince, in which case they would fall on robbing the People: but have good honest Popular Estates to them and their Heirs for ever. Now an Army, where the Estates of the Officers were of this kind, in no reason can, in no experience ever did set up Monarchy. Ay but, say they, for all that, their pay to them is more considerable than their Estates. But so much more must they be for a Common-wealth, because the Parliament must pay: and they have found by experience, that the Pay of a Parliament is far better than that of a Prince. But the four hundred being Monarchically inclined, or running upon the Interest of those irreconcilable Enemies of Popular Power, *Divines* and *Lawyers*, will rather pay an Army for commanding, or for supporting of a Prince, than for obeying. Which may be true, as was acknowledg'd before, in the way; but in the end, or at the long run, for the reasons mention'd, must be of no effect.

THESE Arguments are from the Cause; now for an Argument to Sense, and from the Effect: If our Armies would raise Money of themselves, or, which is all one, would make a King, why have they not made a King in so many Years? Why did they not make one yesterday? Why do thy not to day? Nay, why have they ever been, why do they still continue to be of all others in this point the most averse and refractory?

BUT if the case be so with us, that nature runs wholly to a Common-wealth, and we have no such Force as can withstand nature, why may we not as well have golden Dreams of what this Common-wealth may be, as of the *Indies*, of *Flanders*, or of the *Sound*? The Frame of a Common-wealth may be dreamt on, or proposed two ways; the one in

Book III. Theory, or notionally, in which it is of easy understanding, but of difficult practice: The other practicably, in which it is of difficult understanding, but of facil use. One of these ways is a Shoehorn, and the other the Shoe; for which cause I shall propose both, as first notionally, thus:

The Model propos'd notionally.

1. THAT the native Territory of the Commonwealth be divided, so equally as with any convenience it may, into fifty Tribes or Precincts.

2. THAT the People in each Tribe be distinguish'd, first by their Age, and next by the valuation of their Estates: All such as are above eighteen, and under thirty, being accounted Youth; and all such as are thirty or upwards, being accounted Elders. All such as have under one hundred pounds a year in Lands, Goods, or Money, being accounted of the Foot; and all such as have so much or upwards, being accounted of the Horse.

3. THAT each Tribe elect annually out of the Horse of their number two Elders to be Knights; three Elders out of the same, and four Elders more out of the Foot of their number, to be Deputies or Burgeses. That the Term of each Knight and Burges, or Deputy so elected, be triennial; and that whoever has serv'd his triennial Term in any one of these Capacities, may not be re-elected into any one of the same, till a triennial Vacation be expir'd.

4. THAT in the first year of the Commonwealth there be a Senate so constituted, of three hundred Knights, that the term of one hundred may expire annually; and that the hundred Knights, annually elected by two in each Tribe, take in the Senate the places of them whose Term comes to be thus annually expir'd.

5. THAT in the first year of the Commonwealth there be a Representative of the People, consisting of one thousand and fifty Deputies; four hundred and fifty of them being Horse, and the rest Foot. That this Representative be so constituted, that the term of two hundred of the Foot, and of one hundred and fifty of the Horse, expire annually; and that the two hundred Foot, and one hundred and fifty Horse elected annually, by four of the Foot, and three of the Horse in each Tribe, take the places in this Representative of them whose terms comes thus annually to be expir'd.

6. THAT the Senate have the whole Authority of Debate; that the Representative have the whole power of Result, in such a manner, that whatever (having been debated by the Senate) shall by their Authority be promulgated, that is, printed and publish'd, for the space of six weeks; and afterwards (being propos'd by them to the Representative) shall be resolv'd by the People of the same in the Affirmative, be the Law of the Land.

THUS much may suffice to give implicitly a notional account of the whole frame. But a Model of Government is nothing as to use, unless it be also deliver'd practicably; and the giving of a Model practicably, is so much the more difficult, that men, not vers'd in this way, say of it (as they would of the Anatomy of their own Bodies) that it is impracticable. Here lies the whole difficulty: such things, as, trying them never so often, they cannot make hang together, they will yet have to be practicable; and if you would bring them from this kind of shifts, or of tying and untying all sorts of knots, to the natural nerves and ligaments of Government, then with them it is impracticable. But to render that which is practicable, facil; or to do my last endeavour of this kind, of which if I miss this once more, I must hereafter despair:

I shall

I shall do two things; first, omit the Ballot, and then make some alteration in my former method. Chap. 1.

THEY who have interwoven the Ballot with the description of a Common-wealth, have thereby render'd the same by far the more complete in it self; but in the understanding of their Readers, as much defective: wherefore presuming the use of the Ballot throughout the Orders of this Model, I shall refer it to practice; in which it will be a matter of as much facility, as it would have been of difficulty in writing. And for the method I have chosen, it is the most natural and intelligible; being no more than to propose the whole practicably: first, in the Civil; secondly, in the Religious; then in the Military; and last of all in the Provincial part of the Model.

C H A P. I.

Containing the Civil part of the Model, propos'd practicably.

SEEING it has been sufficiently prov'd that Empire follows the nature of Property; that the particular kind of Empire or Government depends upon the special distribution (except in small Countries) of Land; and that where the Balance in Property has not been fix'd, the nature of the Government (be it what you will) has been floating: it is very reasonable that, in the proposition of a Commonwealth, we begin with a fixation of the Balance in Property; and this being not otherwise to be done than by some such Laws as have been commonly call'd *Agrarian*, it is propos'd,

THAT every one holding above two thousand pounds a year in Land, lying within the proper Territory of the Common-wealth, leave the said Land equally divided among his Sons; or else so near equally, that there remain to the eldest of them not above two thousand pound a year in Land so lying. That this Proposition be so understood, as not to concern any Parent having no more than one Son, but the next Heir only that shall have more Sons; in such sort, as nothing be hereby taken from any man, or from his Posterity, but that fatherly Affection be at all points extended as formerly, except only that it be with more Piety, and less Partiality. And that the same Proposition, in such Families where there are no Sons, concern the Daughter or Daughters in the like manner.

THAT no Daughter, being neither Heir nor Co-heir, have above fifteen hundred pounds in Portion, or for her preferment in Marriage. That any Daughter, being an Orphan, and having seven hundred pounds or upwards in Portion, may charge the State with it. That the State being so charg'd, be bound to manage the Portion of such an Orphan for the best, either by due payment of the Interest of the same; or, if it be desir'd, by way of Annuity for Life, at the rate of one hundred pounds a year, for every seven hundred pounds so receiv'd. *The manner whereof being elsewhere shewn, is not needful to be repeated.*

THAT these Propositions prevent the growing of a Monarchical Nobility, is their peculiar end: Wherefore that this should hold the weight of an Objection in a popular Balance, already introduc'd thro' the failure of a Monarchical Nobility, or thro' a level made not by the People but by the Kings or themselves, were preposterous. Yet upon this score (for I see no other) is there such Animosity against the like Laws,

Book III. Laws, that wise men have judg'd it an Indiscretion, in such as are affected to Popular Government, not to temporize in this point; at least, till a Common-wealth were first introduc'd. To which Judgment I am by no means inclining: First, Because the whole stream of this kind of Government is so clear and pellucid, as to abhor having any thing in the bottom which may not appear at the very top. Secondly, Because an *Agrarian*, not brought in with the introduction of a Common-wealth, was never yet known to be brought in after the introduction of a Common-wealth. And thirdly, Because the change of Balances in States, thro' the want of fixation, has been so sudden, that between the Reign of HENRY the Seventh, and that of QUEEN ELIZABETH, being under fifty years, the *English* Balance of Monarchical became Popular; and that of *Rome*, between the Lives of SCIPIO and of TIBERIUS GRACCHUS, being also under fifty years, of Popular became Monarchical. Nevertheless, if there remains any cure of Animosity that may be safe, it must be prudent: And such a cure (if we be not so abandon'd to mere fancy, as to sacrifice all Prudence to it) there may be in the addition of this Clause;

*Additional
Clause to the
Agrarian.*

THAT no *Agrarian* Law hereby given to this Common-wealth, or to be hereafter given to the same, or to any Province of the same, be understood to be otherwise binding, than to the Generation to come, or to the Children to be born seven years after the enacting of the Law.

UPON the addition of this Clause, it may be safely said of these *Agrarian* Laws, that they concern not any man living: and for Posterity, it is well known, that to enact a Law, is no more in their regard, than to commend a thing to their choice; seeing they, if so pleas'd, can no more be devested of the Power to repeal any Law enacted by their Ancestors, than we are of repealing such Laws as have been enacted by ours.

TO this it may be objected, That *Agrarian* Laws, being once enacted, must have brought Estates to the standard of the same, before Posterity can come into a capacity to judge of them. But this is the only means whereby Posterity can come to a true capacity to judge of them: First, because they will have had experience of the Laws whereof they are to judge: And secondly, because they will be void of all such imaginary Interests as might corrupt their Judgment, and do now certainly corrupt ours.

The first Parallel.

THE Balance of the Common-wealth of *Israel*, thro' the distribution of Lands at the introduction of the same, became Popular; and becoming Popular, was fix'd by the Law for the Jubile. *That which was sold, shall remain in the hands of them that bought it till the year of Jubile; and in the Jubile it shall go out, and he shall return to his possession.* The ways in *Israel*, and in the Common-wealth propos'd, where the Popular Balance is not made but found, are divers; but the *Agrarian* Laws in each, as to the end, which is the preservation of the Balance, are of a like effect.

Deut, 25. 28.

*Freemen and
Servants.*

TO rise thus from true Foundations to proper Super-structures, the first step from the Balance thus fix'd into the Orders of a Common-wealth, is not otherwise to be taken than by certain Distributions or Divisions of the People, whereof some are to be personal, and some local. THE first personal division of a People, is into Freemen and Servants. Freemen are such as have wherewithal to live of themselves; and Servants, such as have not. This division therefore is not constitutive, but naturally inherent in the Balance; nor, seeing all Government

ment is in the direction of the Balance, is it possible for the Super-structures of any to make more Freemen than are such by the nature of the Balance, or by their being able to live of themselves.

ALL that could in this matter be done, even by MOSES himself, is contain'd in this Proviso: *If thy Brother that dwells by thee be grown poor, and be sold to thee, thou shalt not compel him to serve as a bond-servant: but as a hir'd Servant, and a sojourner he shall be with thee, and shall serve thee to the year of Jubile. And then he shall depart from thee, both he and his Children with him, and shall return to his own Family, and to the Possession of his Fathers shall he return.*

The second Parallel. Levit. 25. 29.

THE nature of Riches consider'd, this division into Freemen and Servants is not properly constitutive, but as it were natural. To come to such Divisions as are both personal and constitutive, it is propos'd,

THAT all Citizens, that is, Freemen, or such as are not Servants, be distributed into Horse and Foot. That such of them as have one hundred pounds a year in Lands, Goods or Money, or above that proportion be of the Horse; and all such as have under that proportion, be of the Foot.

3.
Horse and Foot.

THAT all Elders or Freemen, being thirty years of age or upwards, be capable of Civil Administration: and that the Youth, or such Freemen as are between eighteen years of age and thirty, be not capable of Civil Administration, but of Military only; in such a manner as shall follow in the Military part of this Model.

4.
Elders and Youth.

NOW, besides personal divisions, it is necessary in order to the framing of a Common-wealth, that there be some such as are local. For these therefore it is propos'd,

THAT the whole native, or proper Territory of the Common-wealth, be cast, with as much exactness as can be convenient, into known and fix'd Precincts or Parishes.

5.
Precinct of the Parish.

THAT the Elders, resident in each Parish, annually assemble in the same; as for example, upon Monday next ensuing the last of *December*. That they then and there elect out of their own number every fifth man, or one man out of every five, to be for the term of the year ensuing, a Deputy of that Parish; and that the first and second so elected be overseers, or Presidents, for regulating of all Parochial Congregations, whether of the Elders or of the Youth, during the term for which they were elected.

6.
Parochial Congregations and Deputies.

THAT so many Parishes lying nearest together, whose Deputies shall amount to one hundred or thereabout, be cast into one Precinct call'd the Hundred. And that in each Precinct call'd the Hundred, there be a Town, Village, or place appointed to be the Capital of the same.

7.
Precinct of the Hundred.

THAT the Parochial Deputies elected throughout the Hundred, assemble annually; for example, upon Monday next ensuing the last of *January*, at the Capital of their Hundred. That they then and there elect out of the Horse of their number one Justice of the Peace, one Juryman, one Captain, one Insign: and out of the Foot of their number, one other Juryman, one High Constable, &c.

8.
Assembly or Muster of the Hundred.

THO' our Justices of the Peace have not been annual, yet that they may so be is apparent, because the high Sheriffs, whose Office is of greater difficulty, have always been annual: seeing therefore they may be annual, that so they ought in this Administration to be, will appear, where they come to be constitutive of such Courts as, should they consist of a standing Magistracy, would be against the nature of a Common-wealth. But the Precincts hitherto being thus stated, it is propos'd.

Book III.

9.
Precinct of the
Tribe.

THAT every twenty Hundreds, lying nearest and most conveniently together, be cast into one Tribe. That the whole Territory being after this manner cast into Tribes, some Town, Village, or place be appointed to every Tribe for the Capital of the same. And that these three Precincts, that is, the Parish, the Hundred, and the Tribe (whether the Deputies, thenceforth annually chosen in the Parishes or Hundreds, come to increase or diminish) remain firm and inalterable for ever, save only by Act of Parliament.

THESE Divisions, or the like, both personal and local, are that in a well order'd Common-wealth, which Stairs are in a good house; not that Stairs in themselves are desirable, but that without them there is no getting into the Chambers. The whole matter of Cost and Pains, necessary to the introduction of a like Model, lies only in the first Architecture, or building of these Stairs; that is, in stating of these three Precincts; which done, they lead you naturally and necessarily into all the Rooms of this Fabric. For the just number of Tribes into which a Territory thus cast may fall, it is not very easy to be guess'd: yet, because for the carrying on of discourse it is requisite to pitch upon some certainty, I shall presume that the number of the Tribes, thus stated, amounts to fifty; and that the number of the Parochial Deputies annually elected in each Tribe, amounts to two thousand. Be the Deputies more or fewer by the alterations which may happen in progress of time, it disorders nothing. Now to ascend by these Stairs into the upper Rooms of this Building, it is propos'd,

10.
Assembly or
Muster of the
Tribe.

THAT the Deputies elected in the several Parishes, together with their Magistrates and other Officers both civil and Military, elected in their several Hundreds, assemble or muster annually; for example upon Monday next ensuing the last of *February* at the Capital of their Tribe.

* In Oceana.

HOW the Troops and Companies of the Deputies, with their Military Officers or Commanders thus assembl'd, may, without expence of time, be straight distributed into one uniform and orderly Body, has been elsewhere * shewn, and is not needful to be repeated. For their work, which at this meeting will require two days, it is propos'd,

11.
Magistrates of
the Tribe.

THAT the whole Body thus assembl'd, upon the first day of the Assembly, elect out of the Horse of their number one High Sheriff, one Lieutenant of the Tribe, one *Custos Rotulorum*, one Conductor, and two Censors. That the High Sheriff be Commander in chief, the Lieutenant Commander in the second place, and the Conductor in the third, of this Band or Squadron. That the *Custos Rotulorum* be Muster-master, and keep the Rolls. That the Censors be Governors of the Ballot. And that the term of these Magistracies be annual.

THESE being thus elected, it is propos'd,

12.
The Prerogative
Troop.

THAT the Magistrates of the Tribe, that is to say, the High Sheriff, Lieutenant, *Custos Rotulorum*, the Censors, and the Conductor, together with the Magistrates and Officers of the Hundreds, that is to say, the twenty Justices of the Peace, the forty Jurymen, the twenty High Constables, be one Troop, or one Troop and one Company apart, call'd the Prerogative Troop or Company. That this Troop bring in and assist the Justices of Assize, hold the Quarter Sessions in their several Capacities, and perform their other Functions as formerly.

BY this means the Common-wealth at its introduction may embrace the Law as it stands, that is, unreform'd; which is the greatest advantage of such Reformatations: for to reform Laws before the introduction of

of the Government, which is to shew to what the Laws in Reformation are to be brought or fitted, is impossible. But these Magistrates of the Hundreds and Tribes being such whereby the Parliament is to govern the Nation, this is a regard in which they ought to be further capable of such Orders and Instructions as shall thereto be requisite: For which cause it is propos'd.

Chap. 1.

THAT the Magistrates of the Tribe, that is to say, the High Sheriff, Lieutenant, *Custos Rotulorum*, the Censors, and the Conductor, together with the twenty Justices elected at the Hundreds, be a Court for the Government of the Tribe call'd the *Phylarch*; and that this Court proceed in all matters of Government, as shall from time to time be directed by Act of Parliament.

13.
The *Phylarch*.

BY these Courts the Common-wealth will be furnish'd with true Channels, whereby at leisure to turn the Law into that which is sufficiently known to have been its primitive Course, and to a perfect Reformation by degrees, without violence. For as the corruption of our Law proceeds from an Art enabled to improve its private Interest; or from the Law upon the Bench, and the Jury at the Bar: So the Reformation of our Law must come from disabling it as an Art to improve its private Interest; or to a Jury upon the Bench, and the Law at the Bar, as in *Venice*.

JUDGES and Officers shalt thou make thee in all thy Gates which the Lord thy God gives thee throughout thy Tribes, and they shall judge the People with just Judgment. These Courts, whose Session-house was in the Gates of every City, were shewn each of them to have consisted of twenty three Elders, which were as a Jury upon the Bench, giving sentence by plurality of Votes, and under a kind of appeal to the seventy Elders or Senate of *Israel*, as was also shewn in the second Book.

The third Parallel.
Deut. 16. 18.

Book 2.

THIS, or the like, by all example and beyond any controversy, has been, and is the natural way of Judicature in Common-wealths. The *Phylarchs*, with a Court or two of Appeals eligible out of the Senate and the People, are at any time with ease and very small alteration to be cast upon a triennial Rotation: which, in all things besides proceeding after the manner of the *Venetian Quarancies*, will be in this case perfect Orders.

TO return: The first Day's Election at the Tribe being as has been shewn, it is propos'd,

THAT the Squadron of the Tribe, on the second day of their Assembly, elect two Knights and three Burgeses out of the Horse of their number, and four other Burgeses out of the Foot of their number. That each Knight upon Election forthwith make Oath of Allegiance to the Common-wealth; or refusing this Oath, that the next Competitor in Election to the same Magistracy, making the said Oath, be the Magistrate: the like for the Burgeses. That the Knights, thus sworn, have Session in the Senate for the term of three years; and that the Burgeses thus sworn be of the Prerogative Tribe, or Representative of the People for the like term.

14.
Knights and Burgeses.

NOW whereas this Proposition is sufficient for the perpetuation of the Senate and the Assembly of the People, being once instituted, but not sufficient for the full and perfect Institution of them, it necessitates the addition in this place, not of a permanent Order, but of an Expedient for the first years Election only; which may be this:

“ THAT

Book III.

*Expedient for
the first years
Election.*

“ THAT for the full and perfect Institution of the Assemblies
 “ mention’d, the Squadron of the Tribe in the first year of the Com-
 “ mon-wealth elect two Knights for the term of one year, two other
 “ Knights for the term of two years, and lastly, two Knights more
 “ for the term of three years: the like for the Burgeses of the Horse
 “ first, and then for those of the Foot.

BY this Expedient the Senate in fifty Tribes is constituted of three hundred Knights or Senators, whereof one hundred, by the expiration of their terms, come annually to fall; and another hundred at the same time to enter. The like for the Prerogative Tribe or Assembly of the People, which, consisting in the whole of one thousand and fifty, suffers the like alteration in one third part, or in the yearly exchange of one hundred and fifty Burgeses: By which means the Motion or Rotation of these Assemblies is Annual, Triennial, and Perpetual. For the full dispatch of the foregoing Elections there remains but one Proposition more, which is this:

15.
Proviso.

THAT a Magistrate or Officer elected at the Hundred be thereby excluded from being elected a Magistrate of the Tribe, or of the first days Election: that no former Election whatsoever exclude a man from the second days Election at the Tribe, or to be chosen a Knight or Burges. That a man being chosen a Knight or Burges, who before was chosen a Magistrate or Officer of the Hundred or Tribe, delegate his former Office, or Magistracy in the Hundred or the Tribe, to any other Deputy being no Magistrate nor Officer, and being of the same Hundred and of the same Order, that is, of the Horse or Foot respectively. That the whole and every part of the foregoing Orders for Election in the Parishes, the Hundreds, and the Tribes, be holding and inviolable upon such Penalties in case of failure, as shall hereafter be provided by Act of Parliament against any Parish, Hundred, Tribe, Deputy or Person so offending.

WITHOUT some such Provision as is contain’d in the former part of this Proposition, men would be inconveniently excluded from preferment, or the Tribe oblig’d to return to the Ballot; and so to spend more time for trifles than is requir’d by their real business.

*The fourth Pa-
rallel.
2 Chron. 27.*

THE Representative of *Israel* collected monthly by the two thousand out of each Tribe (if we consider what Method must have been us’d in such Elections) intimates, first, that there were Sub-divisions to that end in each Tribe, perhaps of the nature of our Hundreds and Parishes: Secondly, that there were qualifications in those Elections as to the Patriarchs or chief Fathers, and as to the People with their Captains of thousands, and Captains of hundreds; which is enough thus far to approve and recommend the foregoing Propositions.

THE Senate, and the Congregation or Representative of the People, are in every Common-wealth the main Orders. The Stairs or Degrees of ascent to these being now mounted, it remains that I lead you into the Rooms of State, or the Assemblies themselves: which shall be perform’d, first, by shewing their Frame, and next by shewing their Uses or Functions. To bring you first into the Senate, it is propos’d,

16.
*Frame of the
Senate.*

THAT the Knights of the Annual Election in the Tribes take their places on Monday next ensuing the last of *March* in the Senate. That the like number of Knights, whose Session determines at the same time, recede. That every Knight or Senator be paid out of the public Revenue quarterly, one hundred twenty five Pounds during his term of Session, and be oblig’d to sit in purple Robes.

THAT

THAT annually, upon the reception of the new Knights, the Senate proceed to the Election of new Magistrates and Counfillors. That for Magistrates they elect one General, one Speaker, and two Censors, each for the term of one year; these promiscuously: and that they elect one Commissioner of the Great Seal, one Commissioner of the Treasury, each for the term of three years, and out of the new Knights only.

Chap. 1.

17.
Senatorian
Magistrates.

THIS Proposition supposes the Commissioners of the Seal and those of the Treasury to consist each of three, wheel'd by the annual Election of one into each Order, upon a triennial Rotation. For farther explanation of the Senatorian Magistracies, it is propos'd,

THAT the General and Speaker, as CONSULS of the Commonwealth, and Presidents of the Senate, be, during the term of their Magistracy, paid quarterly five hundred Pounds: That the Insigns of these Magistracies be a Sword born before the General, and a Mace before the Speaker: That they be oblig'd to wear Ducal Robes; and that what is said of the General in this Proposition, be understood only of the General sitting, and not of the General marching.

18.
The General
sitting, and
the Speaker.

THAT the General sitting, in case he be commanded to march, receive Field pay; and that a new General be forthwith elected by the Senate to succeed him in the House, with all the Rights, Insigns, and Emoluments of the General sitting: And this so often as one or more Generals are marching,

19.
The General
marching.

THAT the three Commissioners of the Great Seal, and the three Commissioners of the Treasury, using their Insigns and Habit, and performing their other Functions as formerly, be paid quarterly, to each of them three hundred seventy five Pounds.

20.
Commissioners
of the Seal and
of the Treas-
ury.

THAT the Censors be each of them Chancellor of one University by virtue of their Election: that they govern the Ballot; that they be Presidents of the Council for Religion; that each have a silver Wand for the Insign of his Magistracy; that each be paid quarterly three hundred seventy five Pounds, and be oblig'd to wear scarlet Robes.

21.
The Censors.

THAT the General sitting, the Speaker, and the six Commissioners abovesaid, be the Signory of this Common-wealth.

22.
The Signory.

THIS for the Senatorian Magistrates. For Senatorian Councils it is propos'd.

THAT there be a Council of State consisting of fifteen Knights, five out of each Order or Election; and that the same be perpetuated by the annual Election of five out of the new Knights, or last elected into the Senate.

23.
Council of
State.

THAT there be a Council for Religion consisting of twelve Knights, four out of each Order, and perpetuated by the annual Election of four out of the Knights last elected into the Senate. That there be a Council for Trade, consisting of a like number, elected and perpetuated in the same manner.

24.
Councils of
Religion, of
Trade.

THAT there be a Council of War, not elected by the Senate, but elected by the Council of State out of themselves, That this Council of War consist of nine Knights, three out of each Order, and be perpetuated by the annual Election of three out of the last Knights elected into the Council of State.

25.
Council of
War.

THAT in case the Senate adds nine Knights more out of their own number to the Council of War, the said Council be understood by this addition to be DICTATOR of the Common-wealth for the term of three months, and no longer, except by farther Order of the Senate the said Dictatorian Power be prolong'd for a like term.

26.
The Dictator.

27.
The Proposers
general.

T H A T the Signory have Session and Suffrage, with right also jointly or severally to propose, both in the Senate and in all Senatorian Councils.

28.
Provosts, or
particular
Proposers.

T H A T each of the three Orders, or Divisions of Knights in each Senatorian Council, elect one Provost for the term of one week; and that any two Provosts of the same Council so elected may propose to their respective Council, and not otherwise.

29.
Academy.

T H A T some fair Room or Rooms well furnish'd and attended, be allow'd at the States charge for a free and open Academy to all comers at some convenient hour or hours towards the Evening. That this Academy be govern'd according to the Rules of good Breeding, or civil Conversation, by some or all of the Proposers; and that in the same it be lawful for any man by word of mouth or by writing, in jest or in earnest, to propose to the Proposers.

FROM the frame or structure of these Councils, I should pass to their Functions; but that besides annual Elections, there will be some biennial, and others emergent: in which regard it is propos'd, first, for biennial Elections,

30.
Embassadors
in ordinary.

T H A T for Embassadors in ordinary, there be four Residences; as France, Spain, Venice, and Constantinople: that every Resident, upon the Election of a new Embassador in ordinary, remove to the next Residence in the Order nominated, till having serv'd in them all, he returns home. That upon Monday next ensuing the last of November, there be every second year elected by the Senate some fit Person, being under thirty five years of Age, and not of the Senate or popular Assembly: that the Party so elected, repair upon Monday next ensuing the last of March following, as Embassador in ordinary to the Court of France, and there reside for the term of two years, to be computed from the first of April next ensuing his Election. That every Embassador in ordinary be allow'd three thousand pounds a year during the term of his Residences; and that if a Resident comes to die, there be an extraordinary Election into his Residence for his term, and for the remainder of his Removes and Progress.

31.
Emergent E-
lections.

T H A T all emergent Elections be made by Scrutiny, that is, by a Council, or by Commissioners proposing, and by the Senate resolving in the manner following: That all Field-Officers be propos'd by the Council of War; that all Embassadors extraordinary be propos'd by the Council of State; that all Judges and Serjeants at Law be propos'd by the Commissioners of the Great Seal; that all Barons and Officers of Trust in the Exchequer, be propos'd by the Commissioners of the Treasury: and that such as are thus propos'd, and approv'd by the Senate, be held lawfully elected.

T H E S E Elections being thus dispatch'd, I come to the Functions of the Senate, and first, to those of the Senatorian Councils: for which it is propos'd,

32.
Function of the
Senatorian
Councils.

T H A T the cognizance of all matters of State to be consider'd, or Law to be enacted, whether it be Provincial or National, Domestic or Foreign, pertain to the Council of State. That such Affairs of either kind, as they shall judge to require more Secrecy, be remitted by this Council, and belong to the Council of War, being for that end a select part of the same. That the cognizance and protection both of the National Religion, and of the Liberty of Conscience equally establish'd in this Nation, after the manner to be shewn in the Religious part of this Model, pertain to the Council for Religion. That all matters of Traffic, and the Regulation of the same belong to the Council of Trade. That in the exercise of

of these several Functions, which naturally are Senatorian or Authoritative only, no Council assume any other Power than such only as shall be settl'd upon the same by Act of Parliament. Chap. 1.

THAT what shall be propos'd to the Senate by any one or more of the Signory or Proposers general; or whatever was propos'd by any two of the Provosts or particular Proposers to their respective Council, and upon debate at that Council shall come to be propos'd by the same to the Senate, be necessarily debateable and debated by the Senate. That in all cases wherein Power is committed to the Senate by a Law made or by Act of Parliament, the Result of the Senate be ultimate: that in all cases of Law to be made, or not already provided for by an Act of Parliament, as War and Peace, levy of Men or Money, or the like, the Result of the Senate be not ultimate. That whatsoever is resolv'd by the Senate, upon a case wherein their Result is not ultimate, be propos'd by the Senate to the Prerogative Tribe or Representative of the People; except only in cases of such speed or secrecy, wherein the Senate shall judge the necessary slowness or openness in this way of proceeding to be of detriment or danger to the Common-wealth.

33.
Function of
the Senate.

THAT if upon the motion or proposition of a Council or Proposer General, the Senate adds nine Knights promiscuously chosen out of their own number, to the Council of War; the same Council, as thereby made Dictator, have Power of life and Death, as also to enact Laws in all such cases of speed or secrecy, for and during the term of three months and no longer, except upon a new Order from the Senate. And that all Laws enacted by the Dictator be good and valid for the term of one year, and no longer; except the same be propos'd by the Senate, and resolv'd by the People.

34.
Function of
the Dictator.

THIS Dictatorian Council (as may already appear) consists fundamentally of the Signory, with nine Knights elected by the Council of State, additionally of nine Knights more emergently chosen by the Senate, and of the four Tribunes of course; as will appear when I come to speak of that Magistracy. Now if Dictatorian Power be indeed formidable, yet this in the first place is remarkable, that the Council here offer'd for a Dictator is of a much safer Constitution, than what among us hitherto has been offer'd for a Common-wealth; namely, a Parliament and a Council in the interim. For here is no interim, but all the Councils of the Common-wealth not only remaining, but remaining in the exercise of all their Functions, without the abatement of any; speed and secrecy belonging not to any of them, but to that only of the Dictator. And if this Dictatorian Council has more in it of a Common-wealth than has hitherto among us been either practis'd or offer'd, by what Argument can it be pretended, that a Common-wealth is so imperfect thro' the necessity of such an Order, that it must needs borrow of Monarchy; seeing every Monarchy that has any Senate, Assembly, or Council in it, thereby most apparently borrows more of a Common-wealth, than there is to be found of Monarchy in this Council?

TO dismiss this whole Senate with one Parallel: The institution of the seventy Elders in *Israel* (as was shewn in the second Book) for their number related to an Accident, and a Custom thereupon antiently introduc'd. The Accident was that the Sons of JACOB who went into *Egypt* were so many; these, first governing their Families by natural right, came, as those Families increas'd, to be for their number retain'd and continu'd in the nature of a Senatorian Council, while the People were yet in *Egyptian* Bondage. So we, having had no like Custom,

The fifth Parallel.

Book III. Custom, have as to the number no like Inducement. Again, the Territory of *Canaan* amounted not to a fourth of our Country; and in Government we are to fit our selves to our own proportions. Nor can a Senate, consisting of few Senators, be capable of so many distributions as a Senate consisting of more. Yet we find in the restitution of the Sanhedrim by JEHOSHAPHAT, that there was AMARIAH *chief in all matters of the Lord*, that is, in judgment upon the Laws, which, having been propos'd by God, were more peculiarly his matters; and ZEBADIAH *chief in all the Kings matters*, that is, in political debates concerning Government, or War and Peace. Lastly, *When the Children of Ammon made War against Israel, the People of Israel made JEPHTHA not only Captain, but Head over them*. So the Judge of *Israel*, being no standing Magistrate, but elected upon emergencies, supplies the Parallel as to Dictatorian Power in a Common-wealth.

DEBATE is the natural Parent of Result; whence the Senate throughout the *Latin* Authors is call'd *Fathers*, and in *Greek* Authors the compellation of a popular Assembly is *Men*; as *Men of Athens*, *Men of Corinth*, *Men of Lacedemon*: nor is this Custom Heathen only, seeing these Compellations are us'd to the Senate and the People of the *Jews*, not only by STEPHEN, but also by PAUL, where they begin their speeches in this manner: *Men, Brethren, and Fathers*. To come then from the Fathers to the People, the Popular Assembly, or Prerogative Tribe; it is propos'd,

A&. 7. 2. &
22. 1.
Luke through-
out is perfectly
well skill'd in
the Customs of
Common-
wealths.

35.
Fabric of the
Prerogative
Tribe.

THAT the Burgeses of the annual Election return'd by the Tribes, enter into the Prerogative Tribe upon Monday next ensuing the last of *March*; and that the like number of Burgeses, whose term is expir'd, recede at the same time. That the Burgeses thus enter'd elect to themselves out of their own number, two of the Horse; one to be Captain, and the other to be Cornet of the same: and two of the Foot; one to be Captain, the other to be Insign of the same, each for the term of three years. That these Officers being thus elected, the whole Tribe or Assembly proceed to the Election of four annual Magistrates; two out of the Foot, to be Tribunes of the Foot: and two out of the Horse, to be Tribunes of the Horse. That the Tribunes be Commanders of this Tribe in chief, so far as it is a Military Body; and Presidents of the same, as it is a civil Assembly. And lastly, that this whole Tribe be paid weekly as follows. To each of the Tribunes of Horse, seven pounds. To each of the Tribunes of Foot, six pounds. To each of the Captains of Horse, five pounds. To each of the Captains of Foot, four pounds. To each of the Cornets, three pounds. To each of the Insigns, two pounds seven shillings. To every Horseman two pounds, and to every one of the Foot one pound ten shillings.

FOR the Salaries of the Senate and the People together, they amount not to three hundred thousand pounds a year; which is cheaper by near two parts in three, than the chief Magistracy ever did or can otherwise cost: for if you give nothing (*omnia dat qui justa negat*) men will be their own Carvers. But to proceed, it is propos'd,

36.
Offices of the
Officers.

THAT inferior Officers, as Captains, Cornets, Insigns, be only for the Military Discipline of the Tribe. That the Tribunes have Session in the Senate without suffrage; that they have Session of course in the Dictatorian Council, so often as it is created by the Senate, and with suffrage. That they be Presidents of the Court in all cases to be judg'd by the People.

THAT

T H A T Peculate or Defraudation of the Public, and all cases tending to the subversion of the Government, be triable by this Representative; and that there be an Appeal to the same in all Causes, and from all Magistrates, Courts, and Councils, whether National or Provincial.

37.
Appeal to the People.

T H I S Judicatory may seem large: but thus the Congregation of *Israel*, consisting of four hundred thousand, judg'd the Tribe of *Benjamin*. Thus all the *Roman* Tribes judg'd *CORIOLANUS*. And thus Duke *LOREDANO* was try'd by the great Council of *Venice*, consisting yet of about two thousand.

The sixth Parallel.
Judg. 20.
Halicar.
Janotti.

T H I S is as much as I have to say severally of the Senate and the People; but their main Functions being joint, as they make one Parliament, it is farther propos'd,

T H A T the right of Debate, as also of proposing to the People, be wholly and only in the Senate; without any power at all of Result, not deriv'd from the People.

38.
The main Function of the Senate.

T H A T the power of Result be wholly and only in the People, without any right at all of Debate.

39.
The main Function of the Prerogative Tribe.

T H A T the Senate having debated and agreed upon a Law to be propos'd, cause promulgation of the same to be made for the space of six weeks before proposition; that is, cause the Law to be printed and publish'd so long before it is to be propos'd.

40.
Promulgation.

T H A T promulgation being made, the Signory demand of the Tribunes, being present in the Senate, an Assembly of the People. That the Tribunes, upon such a demand of the Signory or of the Senate, be oblig'd to assemble the Prerogative Tribe in Arms by sound of Trumpet, with Drums beating, and Colours flying, in any Town, Field, or Market place being not above six miles distant, upon the day and at the hour appointed; except the meeting, thro' any inconvenience of the weather or the like, be prorogu'd by the joint consent of the Signory and the Tribunes. That the Prerogative Tribe being assembl'd accordingly, the Senate propose to them by two or more of the Senatorian Magistrates, there-to appointed at the first promulgation of the Law. That the Proposers for the Senate open to the People the Occasion, Motives, and Reasons of the Law to be propos'd; and the same being done, put it by distinct Clauses to the Ballot of the People. That if any material Clause or Clauses be rejected by the People, they be review'd by the Senate, alter'd, and propos'd (if they think fit) to the third time, but no oftner.

41.
Manner of Proposition.

T H A T what is thus propos'd by the Senate, and resolv'd by the People, be the Law of the Land, and no other, except as in the case reserv'd to the Dictatorian Council.

42.
Act of Parliament.

T H E Congregation of *Israel* being monthly, and the Representative propos'd being annual and triennial, they are each upon Courses or Rotation: the Congregation of *Israel* consisting of twenty four thousand, in which the whole number of the Princes of the Tribes and of the Princes of the Families amounted not, I might say, to one hundred, but will say to one thousand; it follows, that the lower sort in the Congregation of *Israel* held proportion to the better sort, above twenty to one. Whereas in the Representative propos'd, the lower sort hold proportion to the better sort but six to four; and that popular Congregation where the lower sort hold but six to four, is by far the most Aristocratical that is or ever was in any well order'd Common-wealth, except *Venice*: but if you will have that Gentry to be all of one sort, or if you allow them to be of a better and of a meaner sort, *Venice* is not excepted.

The seventh Parallel.

Book III. *cepted.* The Sanhedrim made no Law without the People; nor may the Senate in this Model: but the Sanhedrim with the Congregation, might make Laws; so may the Senate, in our Model, with the Representative of the People. Lastly, as the Congregation in *Israel* was held either by the Princes in person, with their Staves and Standards of the Camp, or by the four and twenty thousand in Military Discipline; so the Representative propos'd is in the nature of a Regiment.

Ezra 10. 8.

Thucyd. lib. 8.

Lib. 8.

EXCEPTING *Venice*, where there is a shadow, and but a shadow, of Law made by the Senate (for the Sovereign Power is undeniably in the great Council) and *Athens*, where a Law made by the Senate was current as a Probationer for one year before it was propos'd to the People; there neither is nor has been any such thing in a Common-wealth as a Law made by the Senate. That the Senate should have power to make Laws, reduces the Government to a single Council; and Government by a single Council, if the Council be of the Many, is Anarchy, as in the Assembly of the *Roman* People by Tribes, which always shook, and at length ruin'd that Common-wealth: Or, if the Council be of the Few, it is Oligarchy, as that of *Athens* consisting of the four hundred, who nevertheless pretended to propose to five thousand, tho' they did not. Of which says THUCYDIDES, *This was indeed the form pretended in words by the four hundred; but the most of them, thro' private ambition, fell upon that by which an Oligarchy made out of a Democracy is chiefly overthrown: for at once they claim'd every one not to be equal, but to be far the chief.* Anarchy, or a single Council consisting of the Many, is ever tumultuous, and does ill even while it means well. But Oligarchy, seldom meaning well, is a Faction wherein every one striving to make himself, or some other from whom he hopes for advantage, spoils all. There is in a Common-wealth no other cure of these, than that the Anarchy may have a Council of some few, well chosen, and elected by themselves, to advise them; which Council so instituted, is the Senate: Or that the Oligarchy have a popular Representative to balance it; which both curing Tumult in the rash and heady People, and all those Corruptions which cause Faction in the sly and subtle Few, amount to the proper Superstructures of a well order'd Common-wealth. As, to return to the example of the Oligarchy in *Athens*, where the four hundred (whose Reign, being very short, had been as seditious) were depos'd; and the Sovereignty was decreed to a popular Council of five thousand, with a Senate of four hundred annually elective upon Courses, or by Rotation. Of this says THUCYDIDES, *Now first (at least in my time) the Athenians seem to have order'd their State aright, it consisting of a moderate temper both of the Few and the Many. And this was the first thing that, after so many misfortunes, made the City again to raise her Head.* But we in *England* are not apt to believe, that to decree the Sovereignty to thousands, were the way to make a City or a Nation recover of its Wounds, or to raise its Head. We have an aversion to such thoughts, and are sick of them. An Assembly of the People Sovereign! Nay, and an Assembly of the People consisting in the major vote of the lower sort! Why, sure it must be a dull, an unskillful thing. But so is the Touchstone in a Goldsmith's Shop, a dull thing, and altogether unskill'd in the Trade; yet without this, would even the Master be deceiv'd. And certain it is, that a well order'd Assembly of the People is as true an Index of what in Government is good or great, as any Touchstone is of Gold.

A COUN-

A COUNCIL (especially if of a loose Election) having not only the Debate, but the Result also, is capable of being influenc'd from without, and of being sway'd by Interest within. There may be a form'd, and prejudic'd Party, that will hasten or out-baul you from the Debate to the Question, and then precipitate you upon the Result: Whereas if it had no power of Result, there could remain to the same no more than Debate only, without any Biass, or cause of diverting such Debate from Maturity; in which Maturity of unbiass'd Debate lies the final cause of the Senate, and the whole Light that can be given to a People. But when this is done, if your resolving Assembly be not such as can imbibe or contract no other Interest than that only of the whole People, all again is lost: for the Result of all Assemblies goes principally upon that which they conceive to be their own Interest. But how an Assembly upon Rotation, consisting of one thousand, where the Vote is six to four in the lower sort, should be capable of any other Interest than that only of the whole People, by which they are orderly elected, has never yet been, nor, I believe, ever will be shewn. In a like distribution therefore of Debate and Result, consists the highest Mystery of Popular Government; and indeed the supreme Law, wherein is contain'd not only the Liberty, but the Safety of the People.

FOR the remainder of the Civil part of this Model, which is now but small, it is farther propos'd,

THAT every Magistracy, Office, or Election throughout this whole Common-wealth, whether annual or triennial, be understood of consequence to enjoin an interval or vacation equal to the term of the same. That the Magistracy of a Knight and of a Burgeſs, be, in this relation, understood as one and the same; and that this Order regard only such Elections as are National or Domestick, and not such as are Provincial or Foreign.

THAT, for an exception from this Rule, where there is but one Elder of the Horſe in one and the same Parish, that Elder be eligible in the same without interval; and where there be above four Elders of the Horſe in one and the same Parish, there be not above half, nor under two of them eligible at the same Election.

OTHERWISE the People, beyond all manner of doubt, would elect so many of the better sort at the very first, that there would not be of the Foot or of the meaner sort enough to supply the due number of the Popular Assembly or Prerogative Tribe: and the better sort being excluded subsequent Elections by their Intervals, there would not be wherewithal to furnish the Senate, the Horſe of the Prerogative Tribe, and the rest of the Magistracies; each of which Obstructions is prevented by this Exception. Where, by the way, if in all experience such has been the constant temper of the People, and can indeed be reasonably no other, it is apparent what cause there can be of doubt, who in a Common-wealth of this nature must have the leading. Yet is no man excluded from any Preferment; only Industry, which ought naturally to be the first step, is first enjoin'd by this Policy, but rewarded amply: seeing he, who has made himself worth one hundred Pounds a year, has made himself capable of all Preferments and Honours in this Government. Where a man from the lowest state may not rise to the due pitch of his unquestionable Merit, the Common-wealth is not equal: yet neither can the People, under the Limitations propos'd, make choice (as some object) of any other than

Chap. I.

43.
Rule for Vacations.

44.
Exception from the Rule.

the

Book III. the better sort ; nor have they at any time been so inclining to do, where they have not been under such Limitations. Be it spoken, not to the disparagement of any man, but on the contrary to their praise whose Merit has made them great, the People of *England* have not gone so low in the election of a House of Commons, as some Prince has done in the election of a House of Lords. To weigh Election by a Prince with Election by a People, set the Nobility of *Athens* and *Rome* by the Nobility of the old Monarchy, and a House of Commons freely chosen by the Nobility of the new. There remains but the *Quorum*, for which it is propos'd.

^{45.}
The *Quorum*. THAT, throughout all the Assemblies and Councils of this Commonwealth, the *Quorum* consist of one half in the time of Health, and of one third part in a time of Sickness, being so declared by the Senate.

HOW the City Government without any diminution of their Privileges, and with an Improvement of their Policy, may be made to fall in with these Orders, has * elsewhere been shewn in part, and may be consider'd farther at leisure. Otherwise the whole Commonwealth, so far as it is merely Civil, is in this part accomplish'd. Now as of necessity there must be a natural Man, or a man indu'd with a natural Body, before there can be a spiritual Man or a Man capable of Divine Contemplation ; so a Government must have a Civil, before it can have a Religious part : And if a man furnish'd only with natural parts can never be so stupid as not to make some Reflections upon Religion, much less a Commonwealth ; which necessitates the Religious part of this Model.

* *In Oceana.*

C H A P. II.

Containing the Religious Part of this Model, propos'd practicably.

THERE is nothing more certain or demonstrable to common Sense, than that the far greater part of Mankind, in matters of Religion, give themselves up to the publick Leading. Now a National Religion rightly establish'd, or not coercive, is not any publick driving, but only the publick leading. If the Publick in this case may not lead such as desire to be led by the Publick, and yet a Party may lead such as desire to be led by a Party ; where would be the Liberty of Conscience as to the State ? Which certainly in a well order'd Commonwealth, being the publick Reason, must be the publick Conscience. Nay, where would be the Liberty of Conscience in respect of any Party which should so proceed as to shew, that without taking their Liberty of Conscience from others, they cannot have it themselves ? If the Publick refusing Liberty of Conscience to a Party, would be the cause of Tumult, how much more a Party refusing it to the Publick ? And how, in case of such a Tumult, should a Party defend their Liberty of Conscience, or indeed their Throats from the whole or a far greater Party without keeping down or tyrannizing over the whole or a far greater Party by force of Arms ? These things being rightly consider'd, it is no wonder that Men, living like men, have not been yet found without a Government, or that any Government has not been yet found without

out a National Religion; that is, some orderly and known way of public leading in divine things, or in the worship of God.

A NATIONAL Religion being thus prov'd necessary, it remains that I prove what is necessary to the same; that is, as it concerns the State, or in relation to the Duty of the Magistrate.

CERTAIN it is, that Religion has not seen corruption but by one of these three causes; some Interest therewith incorporated, some ignorance of the truth of it, or by some complication of both. Nor was ever Religion left wholly to the management of a Clergy that escap'd these Causes, or their most pernicious Effects; as may be perceiv'd in Rome, which has brought Ignorance to be the Mother of Devotion, and indeed Interest to be the Father of Religion. Now the Clergy not failing in this case to be dangerous, what recourse but to the Magistrate for safety? specially seeing these Causes, that is, Interest and Ignorance (the one proceeding from evil Laws, the other from the want of good Education) are not in the right or power of a Clergy, but only of the Civil Magistracy. Or if so it be that Magistrates are oblig'd in duty to be *nursing Fathers and nursing Mothers* to the Church; how shall a State in the sight of God be excusable, that takes no heed or care lest Religion suffer by Causes, the prevention or remedy whereof is in them only? To these therefore it is propos'd,

THAT the Universities being prudently reform'd, be preserv'd in their Rights and Endowments, for and towards the education and provision of an able Ministry.

WE are commanded by CHRIST to *search the Scriptures*: The Scriptures are not now to be search'd but by skill in Tongues: The immediate gift of Tongues is ceas'd: How then should skill in Tongues be acquir'd but mediately, or by the means of Education? How should a State expect such an Education (particularly for a matter of ten thousand men) that provides not for it? And what provision can a State make for this Education, but by such Schools so endow'd and regulated, as with us are the Universities? These therefore are a necessary step towards the prevention of such Ignorance or Interest, as thro' the infirmities or biases of Translators, Interpreters, and Preachers, both have and may frequently come to be incorporated with Religion; as also to the improvement or acquisition of such Light as is by the command of CHRIST to be attain'd or exercis'd in searching the Scriptures.

THE excellent Learning of the Levites in all kinds, not ordinarily infus'd, but acquir'd (there having been among them *as well the Teacher as the Scholar*) leaves little doubt but their forty eight Cities were as so many Universities. These with their Suburbs or Endowments contain'd in the whole (each of their Circuits in Land reckon'd at four thousand Cubits deep) about a hundred thousand Acres; that is, if their measure was according to the common Cubit: if according to the holy Cubit (as with Levites was most likely) twice so much; which, at the lowest account, I conceive to be far above the Revenues of both our Universities.

THESE being order'd as has been said, it is propos'd,

THAT the legal and antient provision for the National Ministry be so augmented, that the meanest sort of Livings or Benefices, without defalcation from the greater, be each improv'd to the Revenue of one hundred pounds at least.

Book III.

*The ninth Fa-
rallel.*

THIS, in regard the way is by Tythes, comes up so close to the Orders of *Israel*, as, in our day, may shew that a Common-wealth may come too near that pattern to be lik'd. We find not indeed that the Apostles either took or demanded Tythes; in which case the Priests, who were legally possessors of them, might have had suspicion that they, under colour of Religion, had aim'd at the violation of Property. But putting the case that generally the Priests had been converted to the Christian Faith, whether the Apostles would for that reason have in-joined them to relinquish their Tythes? Or what is there in the Christian Religion to favour any such surmise? To me there seems abundantly enough to the contrary. For if the Apostles stuck not to comply with the *Jews* in a Ceremony which was of mere human invention, and to introduce this, as they did Ordination by imposition of hands, into the Christian Church; that they would, upon a like inducement, have refus'd a standing Law undoubtedly Mosaic, is in my opinion most improbable. So that, I conceive, the Law for Tythes now in being, may or may not be continu'd, at the pleasure of the Law-givers, for any thing in this case to the contrary. Confident I am, that the introducing of this Model in the whole, which is thought impracticable, were not to willing minds so difficult a work as the abolition of Tythes.

BUT Benefices, whether by way of Tythes or otherwise, being thus order'd; it is propos'd,

48.
Ordination.

THAT a Benefice becoming void in any Parish, the Elders of the same may assemble and give notice to the Vice-Chancellor of either University by a Certificate, specifying the true value of that Benefice: that the Vice-Chancellor, upon the receipt of this Certificate, be oblig'd to call a Congregation of his University: that the Congregation of the University to this end assembl'd, having regard to the value of the Benefice, make choice of a Person fit for the Ministerial Function, and return him to the Parish so requiring: that the Probationer thus return'd to a Parish by either of the Universities, exercise the Office, and receive the Benefits as Minister of the Parish for the term of one year: that the term of one year being expir'd, the Elders of the Parish assemble and put the Election of the Probationer to the Ballot: that if the Probationer has three parts in four of the Balls or Votes in the Affirmative, he be thereby ordain'd and elected Minister of that Parish; not afterwards to be degraded or remov'd, but by the Censors of the Tribe, the Phylarch of the same, or the Council of Religion in such cases as shall be to them reserv'd by Act of Parliament: That in case the Probationer comes to fail of three parts in four at the Ballot, he depart from that Parish; and if he returns to the University, it be without diminution of the former Offices or Preferments which he there enjoy'd, or any prejudice to his future Preferment: and that it be lawful in this case for any Parish to send so often to either University, and it be the duty of either Vice-Chancellor upon such Certificates to make return of different Probationers, till such time as the Elders of that Parish have fitted themselves with a Minister of their own choice and liking.

IN case it was thought fit that a Probationer thus elected should, before he departs, receive imposition of hands from the Doctors of the University, I cannot see what the most scrupulous in the matter of Ordination could find wanting. But let this be so, or otherwise, it is indifferent. The Universities by proposing to the Congregation in every parish, do the Senatorian Office; and the People, thus

thus fitting themselves by their Suffrage or Ballot, reserve that Office Chap. 2.
which is truly popular, that is the Result, to themselves.

M O S E S (for so far back the Divines reach at Ordination) in the institution of the Senate of *Israel*, wherein he can never be prov'd to have us'd imposition of hands, performing the Senatorian Office, caus'd the People to take wise men, and understanding, and known among their Tribes, whereof the Lot fell upon all but ELDAD and MEDAD. And the Apostles doing the Senatorian Office, in like manner without imposition of hands, caus'd the whole Congregation to take two, whereof the lot of Apostleship fell upon MATTHIAS. So that this way of Ordination being that which was instituted by MOSES, and the chief or first of those which were us'd by the Apostles, is both Mosaical and Apostolical. Nor has a well order'd Common-wealth any choice left of those other ways of Ordination, us'd by the Apostles in complaisance to worse sort of Government; but is naturally necessitated to this, that is, to the very best.

ORDINATION being thus provided for, it is propos'd.

T H A T the National Religion be exercis'd according to a Directory in that case to be made, and publish'd by Act of Parliament. That the National Ministry be permitted to have no other public Preferment or Office in this Common-wealth. That a National Minister being convict of Ignorance or Scandal, be movable out of his Benefice by the Censors of the Tribe, under an appeal to the Phylarch, or to the Council for Religion.

T H A T no Religion, being contrary to or destructive of Christianity, nor the public exercise of any Religion, being grounded upon or incorporated into a foreign Interest, be protected by or tolerated in this State. That all other Religions, with the public exercise of the same, be both tolerated and protected by the Council of Religion: and that all Professors of any such Religion, be equally capable of all Elections, Magistracies, Preferments, and Offices in this Common-wealth, according to the Orders of the same.

UPON the whole of these Propositions, touching Church Discipline, we may make these Observations. Thus neither would the Party that is for gifted Men, and Enemies to Learning, thro' ignorance (which else in all probability they must) lose Religion; nor the Clergy be able to corrupt it by Interest. But Decency and Order, with liberty of Conscience, would still flourish together; while the Minister has a Preferment he sought, the Parish a Minister they chose, the Nation a Religion according to the public Conscience, and every man his Christian Liberty. He therefore that endeavours to confute this Chapter, must either shew how these things may be omitted, or more effectually provided for; or tithe Mint and Cumin, and neglect the weightier things of Law-giving.

A COMMON-WEALTH having, in the establishment of Religion, made resignation of her self to God, ought in the next place to have regard to the natural means of her defence; which introduces the Military part of this Model.

The Art of Law-giving.

C H A P. III.

Containing the Military part of this Model, propos'd practicably.

THE Military Part, on which at present I shall discourse little, consists in the Discipline of the Youth, that is, of such as are between eighteen and thirty years of Age: and for the Discipline of the Youth it is propos'd,

51.
*Discipline of
the Youth.*

THAT annually upon Wednesday next ensuing the last of *December*, the Youth of each Parish (under the inspection of the two Over-seers of the same) assemble and elect the fifth man of their number, or one in five of them, to be for the term of that year Deputies of the Youth of that Parish.

52.
*Their Troops,
and Sports.*

THAT annually on Wednesday next ensuing the last of *January*, the said Deputies of the respective Parishes meet at the Capital of the Hundred (where there are Games and Prizes allotted for them, as has been shew'd * elsewhere) and there elect to themselves out of their own number, one Captain, and one Ensign. And that of these Games, and of this Election, the Magistrates and Officers of the Hundred be Presidents, and Judges for the impartial distribution of the Prizes.

53.
*Their Squa-
drons, and
Exercises.*

THAT annually upon Wednesday next ensuing the last of *February*, the Youth thro' the whole Tribe thus elected, be receiv'd at the Capital of the same, by the Lieutenant as Commander in chief, by the Conductor, and by the Censors; that under the inspection of these Magistrates, the said Youth be entertain'd with more splendid Games, disciplin'd in a more military manner, and be divided by lot into sundry parts, or Essays, according to the Rules * elsewhere given.

54.
*The second
Essay, or the
standing Army.*

THAT the whole Youth of the Tribe, thus assembl'd, be the first Essay. That out of the first Essay, there be cast by lot two hundred Horse, and six hundred Foot: that they whom their friends will, or themselves can mount, be accounted Horse, the rest Foot. That these Forces (amounting in the fifty Tribes to ten thousand Horse, and thirty thousand Foot) be always ready to march at a weeks warning: and that this be the second Essay, or the standing Army of the Common-wealth.

55.
*Provincial
Guards.*

THAT for the holding of each Province, the Common-wealth in the first year assign an Army of the Youth, consisting of seven thousand five hundred Foot, and one thousand five hundred Horse. That for the perpetuation of these Provincial Armies or Guards, there be annually, at the time and places mention'd, cast out of the first Essay of the Youth in each Tribe ten Horse, and fifty Foot: that is, in all the Tribes five hundred Horse, and two thousand five hundred Foot for *Scotland*; the like for *Ireland*; and the like of both orders for the Sea Guards: being each oblig'd to serve for the term of three years upon the States pay.

THE standing Army of the Common-wealth consisting thus of forty thousand, not Soldiers of fortune neither in body nor in pay, but Citizens at their Vocations or Trades, and yet upon command in continual readiness; and the Provincial Armies each consisting of nine thousand in pay in body, and possess'd of the Avenues and places of strength in the Province, it is not imaginable how a Province should be so soon able to stir, as the Common-wealth must be to pour forty thousand men upon it, besides the Sea Guards. Nor comes this Militia
thus

thus constituted, except upon marches, to any charge at all; the standing Army having no pay, and the Provinces, whereof the Sea thus guarded will be none of the poorest, maintaining their own Guards. Such is the military way of a Common-wealth, and the Constitution of its Armies, whether levy'd by Suffrage, as in *Rome*; or by Lot, as in *Israel*. Chap. 3.

WE will go up by Lot against Gibeah.

The eleventh Parallel. Judg. 20. 9.

STANDING Forces being thus establish'd; for such as are upon emergent occasions to go forth, or march, it is propos'd,

THAT the Senate and the People, or the Dictator having decreed or declar'd War, and the Field Officers being appointed by the Council of War; the General by Warrant issu'd to the Lieutenants of the Tribes, demand the second Essay, or such part of it as is decreed; whether by way of levy or recruit. That by the same Warrant he appoint his time and Rendezvous: that the several Conductors of the Tribes deliver him the Forces demanded, at the time and place appointed. That a General thus marching out with the standing Army, a new Army be elected out of the first Essay as formerly, and a new General be elected by the Senate; that so always there be a General sitting, and a standing Army, what Generals or Armies soever be marching. And that in case of Invasion the Bands of the Elders be oblig'd to like duty with those of the Youth.

56.
The third Essay, or Army marching.

THAT an only Son be discharg'd of these Duties without prejudice. That of two Brothers there be but one admitted to foreign Service at one time. That of more Brothers, not above half. That whoever otherwise refuses his Lot, except upon cause shewn he be dispens'd with by the Phylarch, or upon penitence be by them pardon'd and restor'd, by such refusal be incapable of electing, or being elected in this Common-wealth; as also that he pay to the State a fifth of his Revenue for protection, besides Taxes. That Divines, Physicians, and Lawyers; as also Trades not at leisure for the Essays, be so far exempted from this Rule, that they be still capable of all Preferments in their respective Professions, with Indemnity, and without Military Education or Service.

57.
Pæna ἀσπατείας, or the Guardian of Education and Liberty.

A COMMON-WEALTH whose Militia consists of Mercenaries, to be safe, must be situated as *Venice*, but can in no wise be great. The Industry of *Holland* is the mean Revenue of that State; whence not being able to spare hands to her Arms, she is cast upon Strangers and mercenary Forces, thro' which we in our time have seen *Amsterdam* necessitated to let in the Sea upon her, and to become (as it were) *Venice*. To a Popular Government that could not do the like, Mercenary Arms have never fail'd to be fatal; whence the last Proposition is that which in every well order'd Common-wealth has been look'd to as the main guard of Liberty.

IN this *Israel* was formidable beyond all other Common-wealths with a kind of Fulmination. SAUL when he heard the Cruelty of NAHASH the *Ammonite*, at the Leaguer of *Jabesh-Gilead*, took a yoke of Oxen and bew'd them in pieces, and sent them throughout the Coasts of *Israel*, by the hands of Messengers, saying, *Whosoever comes not out after SAUL, and after SAMUEL, so shall it be done to his Oxen.* Which amounted not only to a confiscation of Goods (the Riches of the *Israelites* lying most in their Cattle) but to a kind of *Anathema*, as more plainly appears, where it is said, *Curse ye Meroz, curse ye bitterly the Inhabitants thereof, because they came not forth to help the Lord against the Mighty.* Nay this (ἀσπατεία) desertion of the

The twelfth Parallel. 1 Sam. 11. 7.

Judg. 5. 23.

Book III. Military Orders and Services in *Israel*, was sometimes punish'd with total extermination, as after the Victory against *Benjamin*, where the Congregation or Political Assembly of that People, making inquiry what one of the Tribes of *Israel* came not up to the Lord in Mizpeh, (the place where before the taking of *Jerusalem* they held, as I may say, their Parliaments) and finding that there came none to the Camp from *Jabesh-Gilead*, sent thither twelve thousand men of the valiantest, saying, Go and smite the Inhabitants of *Jabesh-Gilead* with the edge of the Sword, with the Women and the Children: which was done accordingly.

Judg. 21.

Judg. 12.

BUT by this time men will shrink at this as a dreadful Order, and begin to compute that a Common-wealth, let her Prerogatives for the rest be what they will, must at this rate be but a dear purchase: whereas indeed, if this way costs something, there is no other that does not hazard all; forasmuch as discarding this Order, play your game as you can, you are sometime or other a Prey to your Enemies, or to your Mercenaries. This certainly is that root in (the *Penetralia*) the bowels of a Common-wealth, whence never any Court Arts, or Politeness, could attain to the gallantry or splendor of the Education in Popular Governments. For let any man (remembering what it was to be a *GIDEON*, a *MILTIADES*, a *TIMOLEON*, a *SCIPIO*, or a Magistrate in a Common-wealth) consider if there should be no way with us to Magistracy, but by having serv'd three years at Sea, and three years at Land, how the whole face and genius of Education, both in the better and in the lower sort, would of necessity be chang'd in this Nation, and what kind of Magistrates such experience in those Services must create to the Common-wealth. Consider, whether the threaten'd Punishments of this Order, tho' thro' unacquaintance they may at first sight have some brow, would not, as they have done in other Common-wealths of like structure, even with low spirits, expire in scorn and contempt, or thro' the mere contemplation of the reward of Honour, nay of the Honour it self, in which point where right has not been done, men, under Governments of this nature, have been much more apt to heats; as where the men of *Ephraim* fought against *JEPHTHA*, for an affront in this kind which they conceiv'd him to have put upon them. *Wherefore passedst thou over to fight against the Children of Ammon, and didst not call us to go with thee? We will burn thy house upon thee with fire.* Nor is this way so expensive of the Purse, or of Blood. Not of the public Purse, because it detests Mercenaries; nor of the private Purse, because the ways of Education thus directed, are all assisted with the States pay: so that a man in this road might educate three Children cheaper, and to the most solid ends, than he could any one to trifle in those which among us hitherto have been usual. And as to Blood, there is nothing more certain, than that Idleness, and its inseparable companion Luxury, are exceedingly more wasteful as of the Purse, so of Health, nay and of Life it self, than is War; which nevertheless this Order is such as does rather prevent than necessitate, in regard that to be potent in Arms is the way of Peace. But whereas in a Martial Common-wealth there may be men having exceeded the thirtieth year of their Age, who like those of *Ephraim* would yet take it ill to be excluded the Lists of Honour, and it must also be to the detriment of the Common-wealth that they should; for these, whom we may call Volunteers, it is propos'd,

THAT

THAT upon Warants issu'd forth by the General for Recruits or Chap. 4.
Levies, there be an Assembly of the Phylarch in each Tribe; that such
Volunteers, or men being above thirty years of Age, as are desirous of
farther imployment in Arms, appear before the Phylarch so assembl'd. ^{58.}
That any number of these, not exceeding one moiety of the Recruits or
Levies of that Tribe, may be taken on by the Phylarch, so many of
the Youth being at the discretion of this Council disbanded, as are taken
on of the Volunteers. That the Levies thus made, be conducted by the
Conductor of the respective Tribe to the Rendevouz appointed. And
that the Service of these be without other term or vacation, than at the
discretion of the Senate and the People, or such Instructions to the
General, as shall by them in that case be provided.

Volunteers.

THUS much for the Military or Defensive part of this Model.
For Offences in general it is written, *Woe unto the world because of Of-* Mat. 18. 7.
fences; for it must needs be that Offences come, but woe to that man by
whom the Offence comes. Among Offences are offensive Wars: now it
being out of question, that for the righteous execution of this Woe up-
on him or them by whom the Offence comes, a War may be just and
necessary, as also that Victory in a just and necessary War may intitle
one Prince or one People to the Dominion or Empire of another
Prince or People; it is also out of question, that a Common-wealth,
unless in this case she be provided both to acquire, and to hold what
she acquires, is not perfect: which Consideration brings me to the
Provincial part of this Model.

CHAP IV

*Containing the Provincial Part of this Model, propos'd
practicably.*

THE word *Province* is with *Roman* Authors of divers signifi-
cations. By these it is taken sometimes for Magistracy; as that
of the Consul, which is call'd *His Province*: sometime for any Re-
ligion or Country, in which a *Roman* Captain or General was com-
manded to make War; but specially for such a Country as was ac-
quir'd and held by Arms, or by *Provincial Right*. The word is of
the like different use in Scripture; as where it is said, That AHA-
SUERUS reign'd over a hundred and seven Provinces; by which are
understood as well the divisions of the native, as those of the ac-
quir'd Territories. But where TANAI is the Governor writes to
the King of *Assyria* concerning the Province of *Judea*, it is under-
stood a Country acquir'd and held by Arms; which comes to the
usual signification of the word with the *Romans*, it being in this sense
that the Governor FELIX ask'd PAUL of *what Province he was*,
and came to understand that he was of *Cilicia*, then a Province of the
Roman Empire: and this signification is that in which I take the word
throughout this Chapter.

Eth. 1. 1.

Ezra 5. 8.

Acts 23. 34.

THE mighty load of Empire which happen'd to the Common-
wealth of *Rome* thro' the Acquisition of many and vast Provinces,
is that whereto the Songs of Poets, and the opinions of more serious
Writers attribute the weight which they say overway'd her. But
this Judgment, tho' in it self right, is not in the manner they take it to
be swallow'd without chewing. For how probable it is that the
suc-

Book III.

Plutarch in
Gracch.

ſucceeding Monarchy was able to ſupport a weight in this kind, which the Common-wealth could not bear, may at this diſtance be diſcern'd, in that the Provinces were infinitely more turbulent in the Reign of the Emperors, than in that of the Common-wealth, as having a far ſtronger Intereſt, thro' ambition of attaining to the whole, to tear the Empire in Pieces: which they did, while divers Provinces made divers Emperors, which before could not hope to make divers Common-wealths, nor to acquire ſafety by retreat to a petty Government. But in this, the acquisition of Provinces devour'd the Common-wealth of *Rome*, that, ſhe not being ſufficiently fortify'd by *Agrarian* Laws, the Nobility, thro' the ſpoil of Provinces, came to eat the People out of their Popular Balance or Lands in *Italy* by Purchaſes; and the Lands that had been in the hands of the Many, coming thus into the hands of the Few, of natural and neceſſary conſequence there follows Monarchy.

NOW that *England*, a Monarchy, has been ſeiz'd of Provinces (one of them, while *France* was ſuch, being as great as any one of the *Roman*) is a known thing; and that the Militia propos'd by the preſent Model, contains all the cauſes of Greatneſs that were in that of *Rome*, is to ſuch as are not altogether ſtrangers to the former, no leſs than obvious. Now of like Cauſes not to preſume like Effects, were unreaſonable. The ſafety therefore of the foregoing *Agrarian*, as hitherto propos'd, or that Lands be divided in their deſcent, muſt in this caſe be none at all, unleſs there be ſome ſtop alſo given in their Accumulation by way of Purchaſe; leſt otherwiſe the ſpoil of ſome mighty Province be ſtill ſufficient to eat out the People by purchaſe.

TO ſubmit therefore in this place (for ought I perceive) to inevitable neceſſity, it is propos'd,

59.
Additional
Propoſitions to
the *Agrarian*.

THAT (great Common-wealths having been overthrown by the ſpoil of Provinces) an Eſtate of two thouſand pounds a year in Land, be incapable of any Accumulation by way of purchaſe.

DONATIONS and Inheritances will be fewer than to be dangerous; and as ſome fall, others will be dividing in their deſcent. But to reſume the Diſcourſe upon the *Agrarian* Laws, which, becauſe they were not till in this Propoſition compleat, remains imperfect. That to *Agrarian* Laws ſome Standard is neceſſary, appears plainly enough. This Standard in a well founded Monarchy, muſt bar reſeſs; and in a well founded Common-wealth muſt bar increaſe. For certain it is, that otherwiſe each of the Policies does naturally breed that Viper which eats out the Bowels of the Mother: as Monarchy, by Pomp and Luxury, reduces her Nobility thro' debt to poverty, and at length to a level with the People, upon which no Throne ever ſtood or can ſtand: ſuch was the caſe of this Nation under her latter Princes. And a Common-wealth by her natural ways of frugality, of fattening and cockering up of the People, is apt to bring Eſtates to ſuch exceſs in ſome hands, as eating out the reſt, bows the Neck of a free State or City to the yoke, and expoſes her to the goad of a Lord and Maſter; which was the caſe of *Rome* under her perpetual Dictators. But why yet muſt this Standard of Land in the preſent caſe, be neither more nor leſs than juſt two thouſand pounds a year? Truly, where ſome Standard was neceſſary to be nam'd, I might as well aſk why not this as well as any other? yet am I not without ſuch Reaſons why I have pitch'd upon this rather than

than any other, as I may submit to the judgment of the Reader in Chap. 4. the following computation or comparison of the divers Effects or Consequences of so many different Standards, as by the rules of proportion may give sufficient account of the rest.

LET the dry Rent of *England* (that is, at the rate a man may have for his Land without sweating) be computed at ten Millions: This presum'd, if you set the Standard at ten thousand pounds a year, the whole Territory can come into no fewer than one thousand hands. If you set it at five thousand pounds a year, it can come into no fewer than two thousand hands; and if you set it at two thousand pounds a year, it can come into no fewer than five thousand hands. It will be said, In which way you please, it will never come into so few hands as are capable of having it; which is certain: yet because the Effects in their approaches would be such as may be measur'd by their Extremes, I shall pitch upon these as the readiest way to guide my Computation. The Balance in a thousand hands might affect the Government with a hankering after Monarchy; in two thousand hands it might usurp it, as did the *Roman* Nobility, and thereby occasion a feud between the Senate and the People. These not only in the extremes, but with much of a like nature in the approaches.

BUT letting these pass, as also the numbers or compass necessary to the Rotation of such a Common-wealth (none of which inconveniences are incident to the Standard of two thousand pounds a year, as that whereby Lands can come into no fewer than five thousand Proprietors) we will suppose these Standards to be each of them, as to the safety of the Government, indifferently practicable.

YET it is recorded by Experience, and wise Authors, that the true cause whence *England* has been an over-match in Arms for *France*, lay in the communication or distribution of Property to the lower sort; and for the same cause let it be consider'd, if the Common-wealth upon the Standard of two thousand pounds a year (*cæteris paribus*) must not necessarily be an over-match in the potency of its Militia for the other two. Such are the advantages, such is the glory of the like moderation to the public. Money (says the Lord VERULAM) is like muck, not good except it be spread. Much rather in Popular Government is this holding as to Land, the latter having upon the State a far stronger influence, at least in larger Territories, than Money: for in such, Money, while scarce, cannot over-balance Land; and were Silver and Gold as plentiful as Brass or Iron, they would be no more, nor would Land be less worth. And for private men, were it not that it is easier to fill the belly of a Glutton than his eyes, not only Virtue, but the Beatitude of Riches, would be apparently consistent in a mean. But what need I play the Divine or the Philosopher upon a Doctrine, which is not to diminish any man's Estate, not to bring any man from the Customs to which he has been inur'd, nor from any emergent expectation he may have; but regards only the Generation to come, or the Children to be born seven years after the passing such a Law? Whence it must needs follow, that putting the case this *Agrarian* be introduc'd, it is to our Age as if there were none; and if there be no *Agrarian*, it is to our Age as if there was one. The difference is no more, than that in the one way the Common-wealth is at all points secur'd, and in the other it is left to its fortune even in the main. Of

Book III. such sovereign effect are the like Laws, that I would go yet farther, and propose,

60.
*Agrarian for
Scotland and
Ireland.*

THAT in *Scotland* the Standard be set at five hundred pounds a year; in *Ireland* at two thousand pounds a year in Land; the rest for each as for *England*.

NARROWNESS of an *Agrarian* for *Scotland*, being a Martial Country, would make the larger provision of a good Auxiliary Militia; and largeness of an *Agrarian* for *Ireland*, being less Martial, would cast a Sop into the Jaws of the Avarice of those who should think it too much confin'd in *England*. And lest the Provincials in this case should think themselves worse dealt with than the Citizens themselves, the sum of the *Agrarian* Laws being cast up together, any man in the three Nations may hold four thousand five hundred pounds a year in Land; and any small Parcel of Land, or mere Residence in *England*, makes a Provincial a Citizen. Should the Common-wealth increase in Provinces, the Estates at this rate both of the Citizens and Provincials, would be more and greater than ever were those of the antient Nobility of these Nations; and without any the least hazard to Liberty. For he, who considering the whole *Roman* Story, or that only of the GRACCHI in PLUTARCH, shall rightly judge, must confess, that had *Rome* preserv'd a good *Agrarian* but in *Italy*, the Riches of its Provinces could not have torn up the Roots of its Liberty, but on the contrary must have water'd them. It may be said, What need then of putting an *Agrarian* upon the Provinces? I answer: For two Reasons: first is Indulgence to the Provincials; and the second, Advantage to the Common-wealth. For the first, it is with small foresight apparent enough, that the Avarice of the Citizen being bounded at home, and having no limits in the Provinces, would in a few years eat up the Provincials, and bring their whole Countries (as the *Roman* Patricians did *Italy*) to found in their Fetters, or to be till'd by their Slaves or Underlings. And so, for the second, the Common-wealth would by such means lose an Auxiliary Militia, to be otherwise in *Scotland* only more worth than the *Indies*. These things therefore thus order'd, it is propos'd,

61.
*Provincial
Councils.*

THAT upon the expiration of Magistracy in the Senate, or at the annual Recess of one third part of the same, there be elected by the Senate out of the part receding, into each Provincial Council four Knights for the term of three years; thereby to render each Provincial Council (presuming it in the beginning to have been constituted of twelve Knights, divided after the manner of the Senate by three several Lists or Elections) of annual, triennial, and perpetual Revolution or Rotation.

62.
*Provincial Go-
vernors or Ge-
nerals.*

THAT out of the same third part of the Senate annually receding, there be to each Province one Knight elected for the term of one year. That the Knight so elected be the Provincial General or Governor. That a Provincial Governor or General receive annually in *April* at his Rendezvous appointed, the Youth or Recruits elected in the precedent Month to that end by the Tribes, and by their Conductors deliver'd accordingly. That he repair with the said Youth or Recruits to his Province, and there dismiss that part of the Provincial Guard or Army whose triennial term is expir'd. That each Provincial Governor have the conduct of Affairs of War and of State in his respective Province, with advice of the Provincial Council; and that he be President of the same.

THAT

THAT each Provincial Council elect three weekly Proposers, or Provosts, after the manner, and to the ends already shewn in the constitution of Senatorian Councils; and that the Provost of the Senior List, during his term, be President of the Council in absence of the General.

Chap. 4.

63.
Provincial
Provosts.

THAT each Provincial Council proceed according to Instructions receiv'd from the Council of State, and keep intelligence with the same by any two of their Provosts, for the Government of the Province, as to matters of War or State. That upon Levies of native or proper Arms by the Senate, and the People, a Provincial Council (having to that end receiv'd Orders) make Levies of Provincial Auxiliaries accordingly. That Auxiliary Arms upon no occasion whatsoever exceed the proper or native Arms in number. That for the rest, the Provincial Council maintain the Provincials, defraying their peculiar Guards and Council, by such a known proportion of Tributes, as on them shall be set by the Senate and the People, in their proper Rights, Laws, Liberties and Immunities, so far as upon the Merits of the cause whereupon they were subdu'd, it seem'd good to the Senate and the People to confirm them, And that it be lawful for the Provincials to appeal from their Provincial Magistrates, Councils, or Generals, to the People of *England*.

64.
Subordination
and Function
of Provincial
Councils.

IN modelling a Common-wealth, the concernment of Provincial Government comes in the last place; for which cause I conceive any long Discourse upon these Orders to be at present unnecessary: But certain things there are in the way which I am unwilling to let slip without pointing at them.

SOME will have Men, some will have Money to be the Nerve of War, each of which Positions, in proper cases, may be a Maxim: For if *France*, where the main Body of the People is imbas'd; or *Venice*, which stands upon a Mercenary Militia, want Money, they can make no War. But it has heretofore been otherwise with Common-wealths. *Roman* Historians (as is observ'd by *MACHIAVEL*) in their Military Preparations or Expeditions, make no mention of Money, unless what was gain'd by the War, and brought home into the Treasury; as the Spoil of *Macedon* by *EMILIUS PAULUS*, being such, as the People for some years after were discharg'd of their Tribute. Not that their Wars were made altogether without Money; for if so, why should the People at any time before have paid Tribute? Or why, upon this occasion were they excus'd? but that the Money in which thier Wars stood them was not considerable, in comparison of that which is requisite, where Money may be counted the Nerve of War; that is, where Men are not to be had without it. But *Rome*, by virtue of its Orders, could have rais'd vaster numbers of Citizens and Associates than perhaps it ever did, tho' during the Consulate of *PAPPUS* and *REGULUS*, she levied in *Italy* only seventy thousand Horse, and seven hundred thousand Foot. Should we conceive the Nerve of this Motion to have been Money, we must reckon the *Indies* to have been exhausted before they were found; or so much Brass to have been in *Italy*, as would have made Stones to be as good Money. A well order'd Common-wealth does these things not by Money, but by such Orders as make of its Citizens the Nerve of its Wars. The Youth of the Common-wealth propos'd are esteem'd in all at five hundred thousand. Of these there is an annual Band, consisting of one hundred thousand. Of this one hundred thousand there is a standing Army, consisting of thirty thousand Foot and ten thousand Horse, besides such as being above thirty

Whether Men
or Money be
the Nerve of
War.

Book III. thirty years of age, shall offer themselves as Volunteers; of which the number is in no wise likely to be few. To the standing Army the Provinces, or that only of *Scotland*, being both Populous and Martial, can afford at any time an equal number of Auxiliaries.

THESE Orders, thus sum'd up together, render this Commonwealth ordinarily able to wage War with fourscore thousand men; a Force which, it is known, not any Prince in Christendom is able to match in Virtue, Number, or Discipline. For these the Commonwealth in her Sea Guard has always at hand sufficient Waftage, or at least such a sufficient Convoy as may make any Vessels at hand a sufficient Transportation: all this, I say, by Virtue of Orders. Not but that the March, the Equipage, the Waftage of so great an Army must cost Money; but that it will come to no account in comparison of a lingering War made by a matter of thirty thousand Mercenaries, the very consumption of a State: whereas fourscore thousand men so disciplin'd and so furnish'd, as has been shewn, being once transported, must suddenly come to be no Charge, or make the War defray it self,

Whether a
Common-
wealth has
consisted of
more than one
City or Town.

BUT 'tis objected, that to reckon upon such a Militia were to suppose a large Country capable of being a Commonwealth; whereas we hold them learn'd, who say that no Commonwealth has consisted of more than some one City or Town. But in what Language or in what Geography, are the twelve Tribes of *Israel*; (*δῆμοι*) Peopledoms or Pritanies of *Athens*, which THESEUS gather'd into one body; the Tribes and Linages in *Lacedemon* instituted by LYCURGUS; the five and thirty *Roman* Tribes planted between the Rivers *Vultur-nus* and *Arno*, or between the Cities now call'd *Capua* and *Florence*; the 13 Cantons of the *Switzers*; the seven United Provinces of the Low Countries, understood to have been or to be but one City or Town? Whether were not the People of *Israel* under their Commonwealth six hundred thousand? What reason can be given why the Government that could take in six hundred thousand, might not as well take in twice that number? How much short came the Country, planted by the *Roman* Tribes, of 150 Miles square? Or how much over is *England*? And what reason can be given why a Government, taking in 150 Miles square, might not as well take in twice that Compass? Whether was our House of Commons under Monarchy not collected from the utmost Bounds of the *English* Territory? And whether had the Laws by them enacted not their free course to the utmost limits of the same? And why should that be impossible or impracticable to a Representative of the People in a Commonwealth, which was so facile and practicable to a Representative of the People under Monarchy?

IT is a wonder how the Commonwealth of *Rome*, which held as it were the whole World by Provinces, should be imagin'd by any man to have consisted but of one Town or City.

BUT to return: It is alledg'd by others, and as to Provincial Government very truly, that a Commonwealth may be a Tyranny: Nor do I think that *Athens*, in this point, came short of any Prince: *Rome*, on the other side, was (according to the merits of the cause) as frequent in giving Liberty as in taking it away. The Provinces of *Venice* and of *Switzerland*, would not change their condition with the Subjects of the best Prince. However the possibility in a Commonwealth of tyrannizing over Provinces, is not to be cur'd; for be the Commonwealth or the Prince a State or a Man after God's own heart, there is no way of holding a Province but by Arms. WHEN

WHEN the Syrians of Damascus came to succour HADADEZER King of Zobah, DAVID slew of the Syrians two and twenty thousand Men: then DAVID put Garrisons in Syria of Damascus, and the Syrians became Servants to DAVID, and brought Gifts: and the Lord preserv'd DAVID whithersoever he went.

The thirteenth Parallel.
2 Sam. 8, 5, 6.

WITH this Parallel I draw the Curtain, and close (be it Comedy to such as are for Tragedy) this Model; appealing to the present, or the next Age, whether throughout I have not had God himself for my Vouchee. In the mean time, there is nothing hereby propos'd which may not stand with a supreme Magistrate.

See the Corollary of Oceana.

The Conclusion :

Shewing how the Model propos'd may be prov'd or examin'd; and giving a brief Answer to Mr. WREN's last Book, intitl'd, Monarchy asserted against Mr. HARRINGTON's Oceana.

FOR a Nation to be still upon the cast of a Die, to be ever in trepidation as to the main chance of Government, is a dreadful state of things. Such indeed with us has been the Constitution of our late Governments, of which therefore not any can be call'd a Commonwealth. Yet has the like state of things (in favour of Monarchs, and thro' the industry of the Clergy) been for many Ages, that whereof Commonwealths unheard are still accus'd and condemn'd. For proof in this case, the Tribunitian Storms of the Roman People are thought abundantly sufficient. But these having been without Blood, if with our Affairs they hold any parallel, are not to be compared with the Barons Wars, those of York and Lancaster, or the like; but with the Contests or Strivings of our Parliaments with their Kings, while such Disputes came not to Arms. Or if the Roman Fields from the time of the GRACCHI grew bloody, we have known a matter of a dozen years in which ours might have compar'd with them. The Seditions under the Commonwealth of Rome to those under the Empire, hold such a proportion, as the Seditions under the Commonwealth of Israel to those under their Kings. I am contented at this time, for discourse sake, that the Seditions of Venice should pass as they are computed by Mr. WREN: Let those also which have happen'd in the Commonwealths of the Switzers, and of the United Provinces, by the skill of some Man who may be thought more impartial than my self, be rightly enumerated and added. This being done, let the Seditions that have happen'd in the Monarchies of England, France, and Spain, be as impartially sum'd up; and I may venture to promise you, That you shall not find the sum of the Seditions which have happen'd in those three Commonwealths, to balance the foot of the account with those Seditions which have happen'd in any one of those Monarchies: nor are we without sufficient inducement to believe, that the whole account in this particular of those Commonwealths which have been in the World, can come any whit nearer to that of the Monarchies. But this being so, be it also suppos'd, tho' not granted, that a Commonwealth is a seditious Government, yet must it

Sect. 1.
That a Commonwealth not rightly order'd, is less seditious than the best of Monarchies.

See Book 2. chap. 4.

ἑλλενικόν.
Lib. 4.

Sect. 2.
That Mr.
Wren's Oppo-
sition of Popu-
lar prudence
amounts to a
Confirmation
of it.

How a Model
of Popular Go-
vernment may
be try'd or ex-
amin'd.

be the least seditious Government. The Republic of *Corinth* never suffer'd but that one Sedition which is describ'd by *Xenophon*; and this too from an external cause.

BUT I am the more confirm'd by the Assaults of Mr. WREN, to have no less than demonstrated in the propos'd Model, that a Common-wealth rightly order'd is altogether incapable of Sedition, and so consequently of Dissolution, that is, from any internal cause. To render his confutation intire, and the truth of this Assertion the more conspicuous, I shall first insert those Rules or Maxims whereby a Model of a Common-wealth may be exactly prov'd or examin'd, and then shew how they totally enervate and overturn those Arguments, elaborated by Mr. WREN, towards the examination and confutation of the Model propos'd.

THE Maxims or Rules whereby a well order'd Model of Popular Government may be most exactly prov'd or examin'd, are specially two:

1. *IT must be wholly void of any Contradiction or inequality.*
2. *IT must be such in which no number of Men, having the Interest, can have the Power or Strength; and no number of Men, having the Power or Strength, can have the Interest to invade or disturb the Government.*

IT is not in the power of Nature that there should be an effect, where there is not the cause of that effect; and in a Frame of Government that is exactly according to the foregoing Maxims, there can be no cause of Sedition or Dissolution. A Model of Government therefore that will hold examination by these Maxims, must (without ostentation, or with Mr. WREN's patience) be perfect.

W. p. 78.

NOW let us observe how he bestirs himself to examine and confute this Model. As to contradiction, he does not so much as pretend that there is any Guile in it; yet will not allow it to have any truth: For, says he, *as in a Fiction the several Members may be so contriv'd, as not to give one another the lie, but be all contain'd within the limits of Verisimilitude, and yet the whole remain without the least syllable of truth; so in a Model of Government.* To which I answer, that there being a truth of Nature, and a truth of Fact, this way of Mr. WREN's disputing is mere equivocation. For the Model is not propos'd to shew the truth of Fact, or that there has been any such exactly in practice; but to shew the truth of Nature, or that such a Model is practicable: wherefore he needed not to have alledg'd that it has not the truth of Fact, which we all know; but was to shew where it fails of such a truth in Nature as can any way render it impracticable. But instead of this, he is gone to the Moon; and will read us a Lecture in Politicks by the Planets or the Various Hypotheses of Celestial Motions, *which may be excogitated including no absurdity in themselves, and yet perhaps not any one of them prove to be the true method of Nature.* But may a man therefore argue in this manner? It is very hard to know certainly which are the Highways of the Planets, therefore there can be no certain knowledge which are the Highways to *London*. Let us e'en say, Because the Rotation of the World may as well go upon the Heavens as upon the Earth, therefore a man may as well go upon his Head as upon his Heels; and a Common-wealth as well stand upon a Milk-woman's Pattins, as upon the strongest Interest, or the Interest of the strongest.

Ibid.

SO much for Contradiction. Now for Inequality, says Mr. WREN, W. p. 179. *Tho' it should be allow'd Mr. HARRINGTON, that his Common-wealth has none in it, yet would it fail of attaining the perfection of Government, seeing there is an inequality in the Nature of man, which is not rectify'd by the Model of his Common-wealth.* As if the equality of a Government was pretended to be such, as should make a crooked man straight, a wicked man good, or a passionate man a Philosopher; and it were not perfect, in being sufficient to prevent any influence that Wickedness or Passion in a man or men, may have upon the Government. But for farther discovery of these Inequalities in the Nature of man, that are not rectify'd by the Model, Mr. WREN sends us to his eight and ninth Chapters, where he produces them in such order, as I shall observe in repeating him. *Whensoever, says he, under Popular Government the number of those whose Offences have render'd them liable to the severity of Laws, is considerable enough to qualify them for attempt, Popular Government has no more security than any other, of being free from Sedition.* It is very true: but Mr. WREN was oblig'd to shew how in an equal Common-wealth, or under the Model propos'd, it was possible that the number of such men should come to be considerable enough to qualify them for such an attempt. But in this kind he is no otherwise provided than to tell us, *That of this Original and Extraction, as to the main, was CATILIN's attempt upon the Roman Common-wealth.* So undertaking against *Oceana*, or the most equal Common-wealth, he is come to arguing against *Rome*, or the most unequal Common-wealth; and at such a time too, when being no longer capable of Liberty, but ready for bonds, there were other parties besides CATILIN's, and others besides such as were obnoxious to the Laws, that lay in wait for her: as POMPEY and his Party, or at least CÆSAR and his, who at length carry'd it; so that this feat was not so much perform'd by men otherwise liable to severity of Laws, as by men puff'd up by ambition. But let these have been of which sort he will, it remains with him to shew, how there should be of either kind enough in *Oceana* for a like attempt. It is known that long before this happen'd in *Rome*, the whole of that Common-wealth was in the hands of three men, CÆSAR, POMPEY, and CRASSUS: wherefore he should have first shewn, which way the whole of the Common-wealth of *Oceana* might come into the hands of three, or of a few men. But leaving this untouch'd, he runs making a dust, and a doubt where the sovereign Power of *Oceana* can be; which even in *Rome*, as unequal as it was, is acknowledg'd to have been in the Assemblies of the People; and in *Athens*, THUCYDIDES expressly says, That the Sovereignty was in the five thousand. Who ever doubted but where the ultimate Result is, there also must be the Sovereignty? and the ultimate Result of *Oceana* is in the Prerogative Tribe, or Representative of the People. Then says he, *This Representative thinking it their interest, may dissolve the Government, and perpetuate themselves, and may come to think it their interest. For the desire of Power being natural to man, a far greater share of Power remains with every particular man, when the Sovereign Power is divided among so many, than when the same Power is divided among two hundred thousand.* But I shew'd that this Representative has the whole Sovereign Power in themselves, not divided with any other, or with the five hundred thousand; which I suppose he means by the two hundred thousand he mentions. Now this Representative cannot

Pag. 84.

Lib. 5.

Pag. 84.

W. p. 85.

cannot be understood to have the Sovereign Power by over-balance of strength, because they are but one thousand to five hundred thousand; so it is plain that they have it by consent, or by orders only: wherefore these Orders they have not the power, or strength, nor the interest to break; because breaking their Orders (by which only, and not by strength, the Power is in themselves) they come to divide the Power that was in themselves, with the five hundred thousand, as they, who, in defect of the Orders, have the far greater strength, and no legal bar. Yet says he, *That a Representative is not incapable of making such an attempt as this, will (it is not improbable) easily find belief with those who are acquainted with the Actions of these last eighteen years.* Which is as much as to say, That because a Representative, by and with the People, may have both the interest, and the power or strength to free themselves of a broken Monarchy; therefore a Representative may, without and against the People, have both the interest, and the power or strength to break the Orders of the most equal Common-wealth. But if the Representative of *Oceana* has not the power or strength to break their Orders, and perpetuate themselves; much less the Senate. True it is, if we look upon some other Commonwealths, a Senate might have the interest to do it; but not where the Senate has been upon Rotation. To add then to Mr. WREN's faculty of opposition greater strength than is in it; if the Senate of *Oceana* would do any thing of this kind, their readiest way were by creating of the Dictator. The Dictator being created, has sovereign Power in carrying on the Orders of the Common-wealth: but those do not perpetuate their Power; this therefore cannot be done but by Force or Arms. The Arms of the Common-wealth are both numerous, and in a posture or readiness; but they consist of its Citizens: and for the Dictator to bring the Citizen to break the Common-wealth, were for a General to command his Army to cut their own throats. It is true, the *Roman Decemvirs* put in for prolongation; but, tho' in the most unequal Common-wealth, they could not make it stand one year, because of the Citizens in Arms: And for Mercenaries there are none in *Oceana*; is this news? there were none in *Israel*, there were none in *Athens*, there were none in *Lacedemon*, there were none in *Rome*, while those Commonwealths flourish'd. But were there Mercenaries, as he might perhaps reckon Servants, they are unarm'd, undisciplin'd; they cannot rise thro' the vast bodies of Citizens in Arms both Elders and Youth; or if they would rise, they could be nothing in their hands. The *Roman Slaves*, and the *Lacedemonian Helots*, being far of another and more dangerous nature, never rose against their Lords but to their own destruction. All this while I say nothing of the security which is in the frame of this Dictator, beyond any example or interest of prolongation to be found either in the *Roman Dictator* or the *Venetian Council* of ten, each whereof having had the like power, did never discover any such inclination. It is true, that in the time of SYLLA, the *Roman Dictator* began to be perpetual; but this is not to be attributed so much to the imperfection of the Order, as to the change of the Balance. But if the Dictator of *Oceana* cannot have the interest, or, having the interest, cannot have the power or strength to perpetuate that Magistracy; much less can the Senate.

THE sum of what has been said, may be thus cast up, as to the whole constitution. If Things or Persons that have neither the
right

right nor the might, may prevail against things and Persons who have both the right and the might; then may one Order of this Commonwealth break the whole System: but the Might, thro' the foundation or popular balance of Property, being in the whole People, and the whole Super-structures of this Commonwealth being nothing else but an equal distribution of common Right to the whole People, who are possessors of the Might; they who have the Might, have not the interest to break, but to preserve the Orders; which therefore no other can have the power or strength to break, or some other breaking, must but lose that which they pretend to gain, to wit, the Right, which in this case must still fall to the might, devolving upon the People. That Mr. WREN will needs fancy the Tribes or Cities in *Oceana*, as those in the united Provinces, or the Cantons of *Switzerland*, to be distinct Sovereignities, concerns not me, seeing the form of *Oceana* is far otherwise; nor indeed him, seeing neither do the Cities in *Holland*, nor the Cantons in *Switzerland* go about to dissolve their Commonwealths or Leagues. The Champion having thus fail'd at the head, is contented to play low.

W. p. 87.

Tho' there be care taken, says he, that at the Assembly of the Hundred and the Tribe, such and such Magistrates should be elected out of the Horse, there is no necessary provision there should be any Horse there, out of which to elect. And where can they be then, if not in some Parish? He might better have said, that at the Parish there was no care taken,

W. p. 181.

that the People should not elect too many of the Horse, which being indeed the defect of the former, is in this Edition rectify'd. His last exception is against the place where I say, that *They who take upon*

See Proposition

44.
W. p. 183.

them the profession of Theology, Physic or Law, are not at leisure for the Essays, whereby the Youth commence for all Magistracies and Honours, in the Commonwealth. To which reason he offers not so much as any Answer: nor pretends any other Argument against it, than that this excludes Divines, Lawyers, and Physicians, from those Honours to which their Parish Clerks, their Scriveners, and their Apothecaries, nay Farriers and Cobblers may attain. And what can I help that, if it ought nevertheless so to be, for a reason which he cannot answer? Nay, if so it be in common practice where the reason is nothing near so strong; seeing a Parish Clerk, a Scrivener, an Apothecary, nay a Cobbler or a Farrier, is not incapable of being of the Common Council, nor yet of being an Alderman or Lord Mayor of *London*; which nevertheless that a Divine, a Lawyer, or a Physician should be, were absurd to think. Divines have a Plow from which they ought not to look back: they have above a tenth of the Territory, with which they ought to be contented; and more than all, Civil Interest contracted by a Clergy, corrupts Religion. For Lawyers, their Practice and Magistracies are not only the most gainful, but for life; and in a Commonwealth, neither is accumulation of Magistracy just or equal, nor the confounding of Executive and Legislative Magistracy safe. Will Mr. WREN believe one of our own Lawyers, and one of the learnedst of them upon this point? It is the Lord VERULAM: *They, says he, who have written* (de legibus) *of Law-making, have handl'd this Argument as Philosophers, or as Lawyers. Philosophers speak higher than will fall into the capacity of practice* (to which may be refer'd PLATO's Commonwealth, Sir THOMAS MORE's *Utopia*, with his own *Atlantis*) *and Lawyers being obnoxious, and addicted each to the Laws of their particular Country, have no freedom nor sincerity of Judgment, but plead*

Verulam de
Aug. Scien.
lib. 8. cap. 3.

as it were in bonds. Certainly the cognizance of these things is most properly pertaining to political Persons, who best know what stands with human Society, what with the safety of the People, what with natural Equity, with antient Prudence, and with the different Constitution of Commonwealths. These therefore, by the Principles and Precepts of natural Equity and good Policy, may and ought to determine of Laws. For Physicians, who (as such) have in the management of State Affairs no prejudice, if you open them the door, they will not at all, or very rarely, come in: whereby it appears, First, that such a bar may in some cases be no violation of Liberty; and, secondly, that the Divines, who for better causes might be as well satisfy'd, and for more unanswerable Reasons ought to forbear, yet are impatient, and give a full testimony that their meaning is not good.

THUS is the Common-wealth by Mr. WREN oppos'd, by him asserted. There remains no more to the full confutation of his Book, than to shew how the Monarchy by him asserted is by him destroy'd. This is to be done by the examination of his ninth Chapter, which is the next of those to which he refer'd us.

SECT. 3.
That Mr.
Wren's Assertion
of Monarchy
amounts to
the Subversion
of it.
W. p. 97.

W. p. 99.

W. p. 103.

Ibid.

W. p. 105.

THE opposition made by Mr. WREN to a Common-wealth, and his pretended asserting of Monarchy, run altogether upon Mr. HOBBS's Principles, and in his very words; but for want of understanding, much enervated: so that Mr. WREN's whole fate of Arms comes but to have given me a weaker Adversary for a stronger. In *Sovereignty*, says he, *the diffus'd strength of the Multitude is united in one person; which in a Monarchy is a natural person; in a State, an artificial one procured by the majority of Votes. This then is the grand security of all Sovereigns, whether single Persons or Assemblies, that the united Forces of their Subjects, with which they are invested, is sufficient to suppress the beginnings of Seditions.* Who reads Mr. HOBBS, if this be news? But what provision is made by either of these Authors, that the Forces of the Subject must needs be united? Is Union in Forces, or in Government, an Effect whereof there is no Cause? Or to what cause are we to attribute this certain Union and grand Security? Why let there be such a Nobility as may be a Monarch's Guard against the People. And lest a Monarch stand in need of another Guard against this Nobility, let none of these excel the rest of his Order in power or dignity. Which Effects or Ends, thus commanded, vouchsafe not to acquaint us with their ways: Yes, let the Nobility have no right to assemble themselves for electing a Successor to the Monarchy, or for making of War or Peace, or for nominating the great Ministers of State, or for performing any other Act which by the nature of it is inseparable from the Sovereign Power. But why then must such a Nobility be a guard against the People, and not rather a guard for the People, seeing both their Interests and Sufferings at this rate are the same, and include those very causes for which, in the Barons War, the Nobility became Incendiaries and Leaders of the People of England against their Kings, and so those whereby their Captain came to excel the rest of his order in power or dignity? But for this the Prince is to be provided, by having always in pay a sufficient Militia; and some places of strength where a few may be secure against a number. For places of Strength, Citadels, or Castles, there were in the time of the Barons Wars, more than some; yet were they, as to this purpose, none. But a Militia is one thing, and a sufficient Militia is another; where the Government consists of a Nobility and of a People, what sufficient

sufficient part of the Property or Revenue of the Territory can there remain to the Prince, whereby to have always in pay such a Militia, as may be sufficient to keep the Nobility and the People from joining, or to suppress them being join'd? If these be small Armies, the like may befall them, which befel those of the Kings in the Wars of the Barons. And if they be great Armies, the Prince has not wherewithal to support or content them; nay if he had, Mr. WREN tells us plainly, *W. p. 106.* *That Princes who keep great Armies, as Guards to their Persons or Empires, teach us that this is to walk upon Precipices; there being no possibility of preventing such an Army (specially if they lie still without employment) from acquiring an interest distinct from that of the Prince.* Wherefore (to follow Mr. WREN, and no other Leader, in his own words against himself) this Militia being great, cannot be so instituted, as to have no interest besides the pay it receives from the Monarch; nor so as to have no hopes of being safe in their own strength, if they should withdraw themselves from the Service and Obedience due to him: and being not great, against the whole Order or Orders of the Nobility and the People they cannot be sufficient. What then remains but to say, that Mr. WREN having declar'd *the perfection of Monarchical Government to consist in a mixture of Monarchy by a Nobility, and a Monarchy by Arms,* has as to his Model intirely subverted Monarchy? *W. p. 107.* In this way of disputing, I have rather follow'd my Leader than reason; the true Answer being that which was given in the Preface, namely, that an Army to be effectual in *England*, must be such where the Officers have popular Estates, or where they have such Estates as had the ancient Nobility: in the latter case, they make a King; in the former a Common-wealth. But Mr. WREN will have his own way; and therefore, to conclude, let me but desire him to lay his hand upon his heart, and then tell me, whether the condition of the Nobility (to whose favour in my exclusion he pretends a meritorious Title) sharing eminently and according to their rank with the People in the Common-wealth by me propos'd; or the condition of the Nobility under the insolence and burden of a mercenary Army, sharing equally with the People in Oppression and Slavery, or reviving the old Barons Wars for new Liberty, in the Monarchy by him propos'd; be the more desirable. And to speak a word for my Adversary, we will submit it wholly to the present Nobility, whether Mr. WREN or I be so extravagant in these things, that they have, or can have any other than the like choice. Yet enters not Mr. WREN into despair of living to enjoy his share (which ought to be a good one) of the Felicities which will belong to the Subjects of such a Government. He looks upon Persons, but things are invincible. *Ibid.*

THE rest of his Book (to which *The Prerogative of Popular Government* is still a compleat Answer) consists altogether of gross evasion or invective, or of drawing out of story against Popular Prudence such imaginary Swords as do but stand bent. To rectify or straighten these, I may hereafter present him (if any man shall think it worth the while) with a fuller Answer.

*A W O R D concerning a House of
P E E R S.*

NO man knowing what is necessary to the Foundation or Being of a Popular Government, can hope or expect the introduction of any such Form, where Monarchy is not impracticable. They (where Monarchy is impracticable) who come first to discover it, and be convinc'd of it, if reason be not altogether depos'd, are inevitable Leaders. Hence it is that our Commonwealthsmen are already renown'd throughout this Nation for their invincible Reasons, even by the confession of their Opponents, or such as proceed nevertheless in other ways. But where Seed is so well sown and rooted, intervening Possession and Interests are like such Weather as holding back the Spring, yet improves the Harvest: Commonwealthsmen indeed may have a cold time on't, but upon the Commonwealth it must bestow Fermentation. Had our incomparable Assertors of publick Liberty appear'd before a universal eviction of the necessity which enforces their Cause, it must have been thro' such a reluctance, as would have made them glad to do things by halves, which is the only Rock to a rising Common-wealth of Scandal, or of Danger; the whole being such against which there is nothing to be alledg'd, and the half what may be easily confuted. These things consider'd, what appearance is there but that it must redound to the greater advantage of our Common-wealthsmen, that we are under the force of a present Humour which abhors the very name of a Common-wealth? Seeing by this means one of two things must of necessity happen, and come shortly to publick view or discovery: either that Monarchy is practicable, or that it is not practicable; I mean, in our state of Affairs, or in this present distribution of the Balance. If Monarchy be found practicable, Common-wealthsmen are satisfy'd in their Consciences, and so ready in fair ways to return, and submit not only for Wrath, but for Conscience sake. But (let Divines cry Atheism, and Lawyers Treason) if it be once discover'd to common Understanding that Monarchy is impracticable, then in comes the Common-wealth, not by halves, but with all its Tackling, full sail, displaying its Streamers, and flourishing with Top and Topgallant.

THE ways whereby it is at hand to be discover'd whether Monarchy be practicable or impracticable, are particularly two; the one quicker, the other slower: The quicker way will be by the Workmen, the slower by the Work.

IF the Workmen, being willing, be yet overcome by the mere obstinacy of their Matter, it amounts to a plain confession, that Monarchy is impracticable. And if they give away the Liberties of the People, they are overcome by the obstinacy of the Matter; for that is not their Work: nor any other Work than such as must be useless, not so much in regard of itself (tho' that may be true enough) as by the want of any other Security than what the Prince had before, that
is,

is, an Army. And such an Army, which for security is as good as none at all, nay the very contrary, as has been shewn already: nor to be alter'd with better success than theirs, who became Princes in *Grecian and Sicilian States*. Art of Law-giving, P. 433.

BUT if the Workmen give not away the Liberties of the People, then must they so limit their Prince, that he can in no manner invade those Liberties; and this by any other means than the full and perfect introduction of a well order'd Common-wealth, they will find to be utterly impossible: So either way they are overcome by the mere obstinacy of their Matter.

IF thro' some secret Dictate (as when the Senate of *Rome* was *Conviva Caesaris*) or a haste to make riddance, this be not perceiv'd by the Workmen, it will be but the more perceivable by the Work when it comes to wearing or in practice; and the Flaws or Grievances being found insupportable, the next Parliament, thro' the mere want of any other remedy, must introduce a Common-wealth.

GOOD, and egregiously Prophetical! But what say you for all this, if we have a House of Peers, and that even for the Lord's sake, there being no other way to secure Liberty of Conscience? Why I say, if we have a House of Peers, it must be a House of old Peers, or a House of new Peers, or a House of the one and the other. Moreover I say, Let it be which way you will, such a House may at some time, or for some reason, be personally affected to Liberty of Conscience; but is a Constitution in it self naturally averse, and contrary to Liberty of Conscience, and therefore can be no security to the same, whether the Lords be Spiritual, or Temporal, or partiperpale.

LORDS Spiritual are inspir'd with a third Estate, or share of a Realm, which gives no toleration to any Religion, but that only asserting this point, which is Monarchy. Setting this Oracle, and some like Reasons of State aside, we may think that every Sovereignty (as such) has Liberty of Conscience: This a King having, cannot give; and a People having, will not lose. For Liberty of Conscience is in truth a kind of State, wherein a man is his own Prince: but a House of Peers sets up another Prince; it cannot stand without a King. If the Balance be in the Lords, as before HENRY the Seventh, yet must they have a King to unite them, and by whom to administer their Government; and if the Balance be not in the Lords, they stand or fall with the King, as the House of Peers in the Long Parliament: and the King falling, their Government devolves to the People. Again, a House of Peers having the over-balance, signifies something; in which case it has not been known to be for Liberty of Conscience: and not having the over-balance, signifies nothing; in which case it cannot secure the Liberty of Conscience. Thus a House of Peers, whether something or nothing, is no way for the Liberty of Conscience, but every way for a King: and a King is a defender of the Faith. The Faith whereof a King is defender, must be that which is, or he shall call his own Faith; and this Faith it concerns his Crown and Dignity, that he defend against all other Faiths. True it is, that a King for a step to a Throne, may use what is readiest at hand: Otherwise where there is Liberty of Conscience, to assert Civil Liberty by Scripture can be no Atheism; which lames a Prince of one Arm. But where Liberty of Conscience is not at all, or not perfect, Divines, who (for the greater part) are no fair Huntsmen, but love dearly to be poaching or clubbing

with the secular Arm (tho' if we, who desire no such Advantages, might prosecute them for abusing Scripture, as they have done this thousand years, to all the ends, intents, and purposes of Monarchy, they would think it a hard case) Divines, I say, not only brand the Assertors of Civil Liberty with Atheism, but are some of them studious in Contrivances, and quaint in Plots to give a check or remove to this or that eminent Patriot, by the like pretences or charges; which succeeding accordingly by the power of a Parliament, they may at length come to have a Parliament in their power. Where there is no Liberty of Conscience, there can be no Civil Liberty; and where there is no Civil Liberty, there can be no security to Liberty of Conscience: but a House of Peers is not only a necessary, but a declar'd check upon Civil Liberty; therefore it can be no security to Liberty of Conscience. And so much for this particular.

NOW to make upon the other parts propos'd, and in a mere civil sense, some farther conjecture.

WHEN a House of Peers sets up a House of Commons, as in the Barons Wars, they will govern the Commons well enough for their own purpose, and not seldom the King too.

BUT we are to speak of a thing without any example, a House of Peers set up by a House of Commons; nor, in the want of example, are we thought worthy by our Adversaries to be furnish'd with Reason: so the guidance of our Discourse upon this point is committed to Mother Wit, a notable Gossip, but not so good a Politician.

NEVERTHELESS, if this House consists of old Peerage only, we have direction enough to know how that will be; for either the single Person, or the Commons will be predominant in the Government: if the Commons be so, then it will be with the Peers, as it was before their last Seclusion; that is, while they do as the Commons would have them, they may sit; otherwise they are sent home. And if the single Person be predominant, it can be no otherwise than by an Army; in which case the old Peers being not in Arms, nor having any help that way, are as much under the Yoke as the Commons. By which it may be apparent, that it is the great interest of the present Peerage, that there be a well order'd Common-wealth; otherwise the Commons being in bondage, the Lords, whom that least becomes, are but equal with them: and being free, the Lords are not the head, but at the foot of them; whereas in an equal Common-wealth, that the Nobility be not at the head, or have not the leading, is quite contrary to all Reason and Experience.

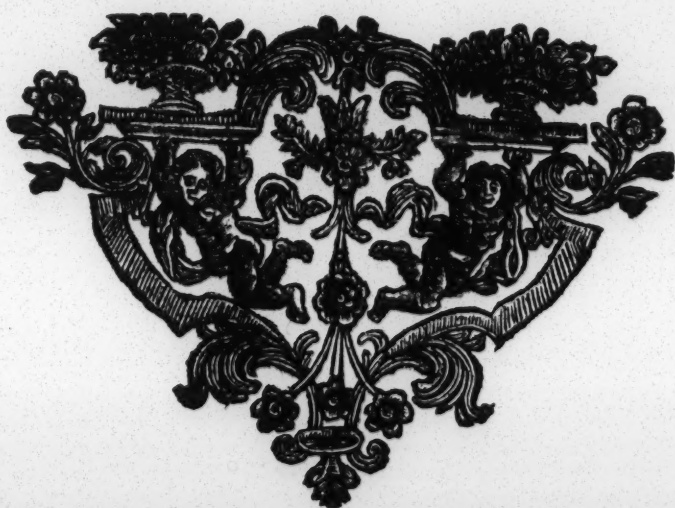
IF the House consists of new Peers only, it must consist of the chief Officers in the Army; which immediately divides the Government into two distinct Governments: the one in the House of Commons, whose Foundation is the Body of the People; the other in the House of Peers, whose Foundation is the Army. This Army if it remains firm to the Peers, they not only Command the Commons, but make and unmake Kings as they please; or as ambitious Parties and Persons among themselves are diligent or fortunate: But if the Army (as is most and more than most likely) comes off to the Commons, the Peers are nothing, and the Commons introduce a Common-wealth.

IF the House consists of new Peers and old, the old Peers while they like it, are Cyphers to new Figures; and when they like it not, may go home again: Nor whether they stay or go, is this case so different from

from the former, as to be any greater obstruction to a Commonwealth.

TO hate the very name of a Commonwealth, or not to see that *England* can be no other, is as if men were not in earnest. It is ask'd of the Commons what the Protector shall be, and he can be nothing but what they will. It is ask'd of the Commons what the other House shall be, and it can be nothing but what the Commons will. The Commons are ask'd whose the Army, whose the Militia, whose the Negative Vote is; nor can these be otherwise determin'd than as they please. The Commons are ask'd whether they will make such a War, whether they will pay such a Debt, whether they will advance such a Sum; all which are intirely at their discretion: therefore actually and positively *England* is a Commonwealth. Nay, and that there remain not the least doubt, whether it be safe for any man to say thus much, the present Government has either no legal denomination at all, or is legally denominated the Commonwealth: the question of the future state of it comes not one whit upon the matter, which is already granted, but upon the form only. A Commonwealth for the matter makes it self; and where they will not bestow upon it the Form necessary, fails not of coming to ruin, or, at least, to disgrace the Workmen: Or, to speak more properly and piously, a Commonwealth is not made by Men, but by God; and they who resist his holy Will, are Weapons that cannot prosper.

Feb. 20.
1659.



Six Political

TRACTS

Written on

Several Occasions.

VIZ.

- I. *Valerius* and *Publicola*. A Dialogue.
- II. A System of Politics, delineated in short and easy Aphorisms, now first publish'd from the Author's own Manuscript.
- III. Political Aphorisms.
- IV. Seven Models of a Common-wealth, Antient and Modern, &c.
- V. The Ways and Means of introducing a Common-wealth by the Consent of the People.
- VI. The humble Petition of divers well affected Persons; with the Parliament's Answer thereto.



VALERIUS and PUBLICOLA:

Or, the True

F O R M

O F A

POPULAR COMMON-WEALTH,

Extracted

Ex puris Naturalibus.

Quos perdere vult JUPITER, hos dementat prius.

To the READER.

THE way of Dialogue being not faithfully manag'd, is of all others the most fraudulent; but being faithfully manag'd, is the clearest and most effectual for conveying a man's sense into the understanding of his Reader. There is nothing in this World, next the favour of God, I so much desire as to be familiarly understood; which because great men have thought below them, has prov'd hitherto but the ruin of themselves, and the detriment of the Public: for which reason, having try'd all other means, I now add this. My work, if I be not given over to utter blindness, is the same with, or nearest, that of the Nation; and the Work of the Nation being not understood, is in extreme danger of utter ruin.

Valerius.

DEAREST PUBLICOLA, how have I long'd to meet you, and in the favourable silence of this long Walk!

Publicola.

What has my noble Friend VALERIUS to command his faithful Servant?

Val. Why really, notwithstanding the tumult of these extravagant Changes, your last Discourse had so much of my attention then, and has had such a digestion with me since, that I feel it running in my Veins.

Pub. Do you find in that any temptation to the buckling on of High-shoon?

Val. My thoughts, PUBLICOLA, are quite of another strain; sometimes I fancy I see England grasping at Empire, like Rome it self.

Pub.

Pub. Why then VALERIUS, my Discourses are not such as they say; there runs nothing of them in your Veins, that has imbas'd your noble Blood.

Val. The Heraldry of them is of as high a pitch as the Policy; but I would have them be a little lower in some things.

Pub. What are those?

Val. The Vulgar complain of you, that you are too learn'd.

Pub. I thought it was not you, VALERIUS.

Val. For all that, I could be contented to see you raise your Structure by your own strength, and without the help of other Authors.

Pub. That I dare say you may, when you please.

Val. I must see it then, before I lose the covert of these reverend Elms.

Pub. You take care that the Building should be well situated; and for the Foundation, I may presume by what has already past between you and me, that we are long since agreed.

Val. That the threefold Balance, or Distribution of Property is the cause of the triple way of Government, I fully consent with you; as also, that the Balance now in *England* is in the People plainly, and exclusively both of a King and Lords.

Pub. You are not of them that grant this, and then ask which way a Common-wealth should be introduc'd in *England*.

Val. Why truly yes; seeing not only the People are so wholly unacquainted with the means, but their Leaders so averse to it.

Pub. Think you that a Plant grows the worse for not understanding the manner of its Vegetation?

Val. A Plant is not a free Agent; but among Men who are free Agents, the Introduction of Government seems to be Arbitrary.

Pub. What, where there is no more than *Hobson's* choice, this or none?

Val. It is true, that if they can have nothing else, they must at length have a Common-wealth; but tho' they can have nothing else to be holding, yet they will be trying other things.

Pub. There is all the mischief.

Val. And enough to ruin the Nation.

Pub. To hurt it very sore, but not to ruin it; nor yet to evade a Common-wealth, except they expose us to foreign Invasion.

Val. I am glad of your Confidence.

Pub. You may let it pass for Confidence, if you please; but if there be no other way except that only of Invasion, whereby the present Balance can receive a change sudden enough to admit of any other Form, the reason why we must have a Common-wealth is coercive.

Val. And putting the case it be the Will of God to defend us from foreign Invasion, how long will it be ere they see at home the coerciveness of this Reason, or, which is all one, that all Power is in and from the People?

Pub. Good VALERIUS, how long is it since this was both seen and declar'd in Parliament?

Val. Perhaps as they meant, it might be admitted as a Principle even in Monarchy.

Pub. This with your pardon you will revoke, seeing you well remember that this their Declaration of Power in the People, has been exclusive of King and Lords, and that in express terms.

Val.

Val. But in this they related not at all to the Distribution of Property.

Pub. Why then, there is not such a difference between the growing of a Plant and of a Common-wealth, as you thought; seeing a Common-wealth knowing as little, does no less.

Val. This of all others is to me a Consideration fullest of comfort.

Pub. It will in time proceed accordingly, thro' a mere necessity of nature, or by feeling; but your desire, I suppose, is to know how it should be rationally introduc'd, or by seeing, and that with more ease and greater speed.

Val. If it might please God, I would live to have my share of it, tho' I fear I never shall.

Pub. You carve for your self ill: for by hope a man enjoys even that which he never comes to attain; and by fear he is depriv'd even of that which he comes not to lose.

Val. I must confess that our Army has it now in their power to introduce a Common-wealth.

Pub. And there is no other action in their power that can excuse them.

Val. Putting the case they would hearken to you, what course would you advise?

Pub. The same that I have advis'd over and over.

Val. As how?

Pub. As how! is that yet a Question? Let them divide the Territory into fifty equal parts.

Val. They will never make a new division.

Pub. Why then they shall never have an equal Common-wealth.

Val. What ill luck is this, that the first step should be so difficult?

Pub. You speak as if never any Territory had been divided, whereas there is none that has not; and Surveyors will tell you, it is a work to be perfectly perform'd in two months, and with ease.

Val. Putting the case this were done, what is next?

Pub. The next is, that the Common-wealth were compleat.

Val. Say you so? this indeed makes amends: but how?

Pub. With no more addition, than that the People in every distinct division elect annually two Knights and seven Deputies.

Val. I dare say the People would never stick at this.

Pub. Not sticking at this, they of their own power have instituted the two great Assemblies, of which every Common-wealth consists.

Val. But in advising these things, you must advise men so that they may understand them.

Pub. VALERIUS, could I as easily have advis'd men how to understand, as what to do, there had been a Common-wealth ere this.

Val. Come, I will have you try something of this kind, and begin upon some known Principle, as this, *All Power is in the People*.

Pub. Content. But the diffusive Body of the People (at least in a Territory of this extent) can never exercise any Power at all.

Val. That is certain.

Pub. Hence is the necessity of some form of Government.

Val. That is, the People of themselves being in a natural incapacity of exercising Power, must be brought into some artificial or political capacity of exercising the same.

Pub. Right. Now this may be done three ways; as first, by a single Person——

Val. How!

Pub. Nay, I am not likely to trouble you much upon this point: but as you were intimating just now, there are Royalists who derive the original Right of Monarchy from the consent of the People.

Val. There are so.

Pub. And these hold the King to be nothing else, but the Representative of the People and their Power.

Val. As the *Turk*.

Pub. Yes, as the *Turk*.

Val. The Peoples Power at that rate comes to the Peoples Slavery.

Pub. You say right; and so it may at other rates too.

Val. As how?

Pub. Why as I was about to say, The Power of the People may be politically brought into exercise three ways: by a single Person; by an Assembly consisting of a few; or by an Assembly consisting of many.

Val. Or by a mixture.

Pub. Nay, I pray let that alone yet a while: for which way soever you go, it must come at length to some mixture, seeing the single Person you nam'd but now, without his *Divan* or Council to debate and propose to him, would make but bad work even for himself. But as the Government comes to be pitch'd fundamentally upon one of these three, so it differs not only in name, but in nature.

Val. I apprehend you, as Monarchy, Aristocracy, and Democracy.

Pub. Nay, you are out with your Learning, when you have forbidden it me. But in Countries where there is not a Nobility sufficiently balanc'd or enrich'd, there can be none of your Aristocracy; and yet there may (as long as it will last) be a Government in a few.

Val. What call you that?

Pub. Nay, what say you?

Val. Come, it is Oligarchy: when all is done, some words of Art we must use.

Pub. I thought you would come to it; and yet seeing I have promis'd, I will be sparing. But with your pardon, you have disorder'd my Discourse, or by this time I had shew'd, that if the Power of the People be committed to a single Person, the common Interest is submitted to that of a Family; and if it be committed to a few, it is submitted to the Interest of a few Families.

Val. Which, so many times as they are more than one, is so many times worse than Monarchy.

Pub. I am not sorry that you are of that mind. For there is no such thing as a Common-wealth, or, as you say, Democracy in nature, if it be not pitch'd upon a numerous Assembly of the People.

Val. What call you numerous?

Pub. Why, an Assembly such for number as can neither go upon the interest of one single Person or Family, nor the interest of a few Persons or Families.

Val. How will you constitute such an Assembly?

Pub. Common-wealths for the Constitution of their Popular Assemblies, have had two ways. The first by inrolling all their Citizens, and stating the *Quorum* in such sort, that all to and above the stated number repairing at the time and place appointed, are empower'd to give the Vote of the whole Common-wealth.

Val.

Val. The *Athenian Quorum* was six thousand; which towards the latter end of that Common-wealth came to five.

Pub. So, so, you may quote Authors: But you may remember also, that *Athens* was a small Common-wealth.

Val. How many would you advise for *England*?

Pub. Put the case I should say, ten thousand?

Val. They will laugh at you.

Pub. What can I help that? or how many would you advise?

Val. I would not go above five thousand.

Pub. Mark you then: they only that are nearest would come; and so the City of *London* would give Law to the whole Nation.

Val. Why really that same now is clear; but would there be less danger of it, in case you stated your *Quorum* at ten, at twenty, or tho' it were at a hundred or two hundred thousand?

Pub. No: For which cause, as to *England*, it is a plain case, that this is no way for the institution of a popular Assembly.

Val. Which way then?

Pub. For *England* there is no way but by Representative, to be made to rise equally and methodically by stated Elections of the People throughout the whole Nation.

Val. Needs this to be so numerous as the other?

Pub. No.

Val. Why?

Pub. Because it is not obnoxious to a Party, to any certain Rank, or such as are soonest upon the spur, or that make least account of their Pains or of their Money.

Val. Will you be so curious?

Pub. Do you think this a Curiosity? How else will you avoid improvement in the Interest of the better sort, to the detriment of those of meaner rank; or in the Interest of the Few, to the detriment of that of the Many?

Val. But even this way there is danger of that foul Beast the Oligarchy.

Pub. Look about you. The Parliament declares all Power to be in the People; is that in the better sort only?

Val. Stay? the King was to observe *Leges & Constitutiones quas vulgus elegerit*: That *Vulgus* is to be understood of the Parliament; and the Parliament consisted wholly of the better sort.

Pub. It is true; but then that Common-wealth acted in all things accordingly.

Val. It was, you will say, no Democracy.

Pub. And will you say it was?

Val. No truly: yet this deriv'd in part from the free Election of the People.

Pub. How free? seeing the People, then under Lords, dar'd not to elect otherwise than has pleas'd those Lords.

Val. Something of that is true; but I am persuaded that the People, not under Lords, will yet be most addicted to the better sort.

Pub. That is certain.

Val. How then will you prevent the like in your Institution?

Pub. You shall see presently. The diffusive Body of the People, in which the Power is, and is declar'd to be, consists in the far greater part of the lower sort: wherefore their Representative, to rise naturally,

ly, and to be exactly comprehensive of the common Interest, must consist also in the far greater part of the lower sort.

Val. Of what number will you have this Representative?

Pub. Suppose a thousand, or thereabout.

Val. What proportion will you have the meaner sort in it to hold to the better?

Pub. Suppose about six to four.

Val. How will you order it, that it shall be so constituted?

Pub. Why thus: Let the People in every Precinct or Shire at Election chuse four under one hundred pounds a year in Lands, Goods, or Money, together with three at or above that proportion.

Val. I see not but this Representative must be exact.

Pub. It is yet none at all; that is, unless you presume Changes: for one thousand, without change governing the whole People, amounts neither to a Representative nor to a Common-wealth, but comes still to your hard name.

Val. How do you order your Changes?

Pub. By annual election of one third part for three years.

Val. So that every year one third part of your Assembly falls out of it, and a new third part at the same time enters into the same.

Pub. Even so.

Val. This causes the Representative to be perpetually extant.

Pub. It does so: But to respite that a little, I should be glad, before I stir farther, to know which way the Vote of a Representative thus constituted, can go one hairs breadth beside the common and publick Interest of the whole diffusive Body of the People.

Val. No way in the Earth that I can imagine, except thro' ignorance.

Pub. No Human Ordinance is infallible; and what is done thro' mere ignorance or mistake at one time, will be found and amended at another.

Val. A thousand men, and six to four of the lower sort perpetually extant! this must be a grievous Charge to the most of them; it will be hard to bring them, and impossible to hold them together.

Pub. Upon such as are elected and come not, considerable Fines must be levy'd; and such as come and stay together must have good Salaries.

Val. Salaries to so many! what will that come to?

Pub. Not, with the rest of the Common-wealth, to three hundred thousand pounds a year.

Val. Why? the Kings have rarely had above six.

Pub. And did *England* ever grudge them any part of that proportion?

Val. I must confess the Quarrel grew when they would not be contented with so little.

Pub. Now if *England* never did, nor needed grudge a King six hundred thousand pounds a year, to be spent among Courtiers, why should we imagine she should grudge a Common-wealth three hundred thousand pounds a year, to be spent among Magistrates?

Val. But Parliament-men have taken nothing.

Pub. Have the People given nothing.

Val. That was for the maintenance of Armies.

Pub. And whether had you rather maintain Armies or Magistrates?

Val.

Val. But putting the case that this Assembly needed not to be perpetually extant, this Charge in the whole or in the far greater part might be abated.

Pub. I cannot tell: for how often think you fit that this Assembly should convene?

Val. Parliaments at most met not above once a year.

Pub. If they had been perpetually extant, there would have been no King.

Val. No truly, except in name only.

Pub. Therefore the Popular Assembly in a Common-wealth ought not to be perpetually extant.

Val. To the end, you will say, that there may be some King.

Pub. Mock not: or what other guard of Liberty is there in any Common-wealth, but the Popular Assembly?

Val. Come, let them assemble twice a year upon their ordinary Guard.

Pub. And what if there be an extraordinary occasion?

Val. Then, as often as there is any such occasion.

Pub. How much will this abate of their necessary Charge, or of the Salaries? And how much better were it for a Representative to lead the Life of Statesmen than of Carriers?

Val. Common-wealths, whose Assemblies have been of the former kind, have call'd them otherwise than at stated times, or upon extraordinary occasions.

Pub. But then their Assemblies were not equal Representatives, but consisted of such as being next at hand were still ready upon any occasion.

Val. That makes indeed a considerable difference: But were this Representative always extant, I cannot see but it would have nothing to do.

Pub. And in case it be not always extant, you imagine that it may have something to do.

Val. Yes.

Pub. Then whether goes it better with the Common-wealth when the Representative has something to do, or when it has nothing to do?

Val. This is very quaint.

Pub. No truly, VALERIUS, it is plain, that the Guard of Liberty perpetually extant, in doing nothing must do much; and not perpetually extant, in doing much may do nothing.

Val. I am afraid that having nothing to do, they will make work.

Pub. Such I warrant you as the Parliament and the Army made the other day.

Val. Nay, I am not so wide. A civil Council and a standing Army must needs have Interests much more distinct than two civil Assemblies; and where there is not a like cause, I know well enough there cannot be the like effect.

Pub. I shall desire no more, than that you will hold to this; and then tell me what Disputes there us'd to be between the Senate of *Venice* and the great Council, which is perpetually extant, and consists of about two thousand.

Val. Nay, certain it is, that between those two there never was any dispute at all.

Pub. Then tell me for what cause such a thing should any more happen between the Assemblies propos'd; or, according to our own rule, from like causes expect like effects.

Val. You put me to it.

Pub. Nay, it is you that put me to it; for you will be presuming that this Assembly can have nothing to do, before we come to consider what are their proper Businesses and Functions.

Val. I beg your pardon, and what are those?

Pub. Why surely no small matters; for in every Common-wealth truly popular, it is inseparable from the assembly of the People that first they wholly and only have the right of Result in all matters of Law-giving, of making Peace and War, and in levying Men and Money: Secondly, That the ultimate Result in Judicature lie to them: and thirdly, That they have right to call to an account, and to punish their Magistrates for all matters of Mal-administration of Government.

Val. I assure you this must amount to a great deal of business.

Pub. Certain it is, that in some Common-wealths the Popular Assembly by this means has been perpetually employ'd.

Val. And so I think it might be in *England*.

Pub. It might; but I do not think it would. However, if it be in the undoubted right of the Popular Assembly to proceed against their Magistrates, for Mal-administration, would you leave it upon the hand of those Magistrates, whether this Representative should assemble or no?

Val. Come, you have said enough, it were not prudent: but as to the matter of Appeals, it is certain that in *Israel* the ultimate Resort was to the Sanhedrim or 70 Elders.

Pub. I know it very well: nevertheless you shall find that the Congregation judg'd *Benjamin*; and if you mark the Appeal to the 70 Elders, you shall find that it was not an Appeal of the Party for Relief, but of the Judges in inferior Courts for further light and direction in difficult cases of the Law.

Val. Let me but know in what manner this Assembly is to perform these Functions, and I have done.

Pub. Why as to matter of Law-giving, I told you that they wholly and only have the Right and power of Result.

Val. But to Result, there must necessarily go precedent Debate; seeing a Man, much less an Assembly, resolves not upon any thing without some Considerations, Motives, or Reasons thereto conducing, which ought to be first orderly and maturely debated: and how will you bring a thousand men, especially being six to four of the lower sort, to debate any thing with order and maturity?

Pub. You say that the Popular Assembly in *Athens* consisted at the least of five thousand.

Val. And I said true.

Pub. Yet this Assembly debated: Why may not a thousand men debate as well as five thousand?

Val. As well! Nay *PUBLICOLA*, if they debate no better in your Common-wealth than they did in that, you may know what will become of it. And to tell you true, I do not think that a thousand men can debate any whit more orderly and maturely than five thousand.

Pub. And so think I too.

Val. How then?

Pub.

Pub. How then? Why this is the reason of the Senate in every Common-wealth.

Val. So there must be a Senate, which amounts to thus much; without a Senate there can be no Common-wealth, and with a Senate there will always be Practices upon the Liberty of the People.

Pub. How prove you that?

Val. Why by the Senate of *Lacedemon* in the beginning, and by the Senate of *Rome* throughout.

Pub. But find you the like by the Senates of *Athens* and *Venice*?

Val. No.

Pub. Consider then that these were by Election of the People, and upon frequent Removes, and that the former were defective in one or in both these circumstances.

Val. You intend your Senate upon Removes then?

Pub. Right.

Val. And Elective by the People?

Pub. Yes.

Val. How? by the Popular Assembly, or by the body of the People in their Precincts?

Pub. By the body of the People in their Precincts, at the same time when they elect their other Deputies, and with the same circumstances, except that these be all elected out of such as have a hundred pounds a year real or personal.

Val. What hurt, if they were elected by the Popular Assembly?

Pub. They would not derive so immediately, nor rise so equally from the People, as when chosen in the Precincts; because this way every Shire comes necessarily to have a share in the Senate: besides, wise men and understanding are better known in their Tribes than they can be in an Assembly out of their Tribes, especially while they are new comers; nor will the Popular Assembly afford so good a choice as the whole People. There are other Reasons.

Val. Enough, enough. Of what number do you constitute this Senate?

Pub. Of three hundred.

Val. Why should not one hundred be full enough for a debating Council, especially seeing Debate is the more orderly where the Counsellors are fewer?

Pub. You are to bear it in mind, that this Senate is upon annual change in one third part.

Val. That is, every year one hundred having serv'd three years, go out, and a new hundred comes in.

Pub. Right: for which cause, to have one hundred well practis'd in debate, your Senate must consist of three hundred.

Val. May not those that go out come presently in again by a new Election?

Pub. Not at all; for that were yet another way of continuing the Government in a few.

Val. Do you mean that no man shall serve in this Capacity, or in that of the Popular Assembly, but once in his life?

Pub. I mean that a man, having serv'd his term in one of these, may after a like vacation or interval be elected again to serve in either of them, and not before.

Val.

Val. At what age do you make a man capable of these Elections?

Pub. Not till thirty.

Val. He stays a great while ere he comes to preferment, and is soon out again: at which rate a man should have much ado to attain to sufficient knowledge for the leading of the Common-wealth.

Pub. This was never objected against Parliaments.

Val. It is true: but then the Election of Parliament-men was not oblig'd to any Interval, and divers have been of every Parliament that was summon'd during their Lives.

Pub. Parliaments when they were the most frequent, assembl'd not above once a year, very rarely so often; and how long, pray, did they usually sit?

Val. Some two or three months.

Pub. I allow you the most you ask: at which rate a man that had sat in twenty Parliaments, could not have sat above four years complete.

Val. And in your Parliament, at one Election he sits three.

Pub. Mark you that?

Val. Yes, and more: Whereas a Parliament-man without interval could in twenty years have sat but four complete, in your Assemblies a man observing his intervals, may in twenty years serve ten years complete.

Pub. You allow that, I hope, to be some advantage towards acquiring knowledge in conduct; and yet antiently your Parliament-men were in this point thought able enough.

Val. Now would I desire no more than to be as fully satisfy'd, that these Senators must be honest enough.

Pub. Which way can they be dishonest?

Val. Indeed I am not yet acquainted with their ways: but if nothing can be propos'd to the popular Assembly, except by these only, they should, I think, propose nothing but what is for their own advantage.

Pub. They are the Senate; and in that they have all the advantages that a well order'd Common-wealth can give to a Senate.

Val. But they will be still hankering after more.

Pub. As what?

Val. Why Riches or Power.

Pub. All Magistrates are accountable to the Popular Assembly; and so, without acquisition of Power, I cannot imagine which way they should turn themselves to the acquisition of Riches.

Val. They will drive then at Power; they will be co-ordinate.

Pub. In the World there has never yet been any Senate that durst so much as pretend to Power.

Val. No? Had not the Senate of *Israel*, and that of *Lacedemon* Power?

Pub. Executive Power they had, in as much as they were Judicatories; but Legislative or Sovereign Power (which is that whereof we speak) they had none at all.

Val. Other Senates have had other power, as in the managing of foreign Affairs, and the like.

Pub. Which still comes not to the point in hand, because in these and the like matters, as the creation of divers Magistrates, the Senate uses to be made Plenipotentiary by the Popular Assembly, that is, by Law.

Val.

Val. I hear them talk of making a co-ordinate Senate first, and without the People, and then of assembling a Parliament in the old way to govern with that Senate.

Pub. Things, VALERIUS, are soon said; but if any Parliament whatever, so it be elected by the People (and, perhaps, if otherwise) do not make it one of their first works to pull down a co-ordinate Senate, I ask no credit to my Politicks.

Val. This is to prophecy.

Pub. Then, to reason the case: I say, That the Senate assuming Power, the popular Assembly falls immediately to debate; and the popular Assembly debating, the Senate is *ipso facto* depos'd, there being no other necessary use or function of the Senate but debate only.

Val. You said but now, That the Popular Assembly could not debate.

Pub. Not orderly and maturely: but upon such an occasion as this, they will do as they can; nor is it avoidable.

Val. Nay, if there be some occasion in which you allow that the popular Assembly must and ought to debate, there will hardly be any in which they will be persuaded that they may not. So this will come to the pulling down of the Senate as often as the People please.

Pub. Which is so much the rather to be fear'd, because you shall never find that popular Assembly which did ever actually depose their Senate.

Val. Our Army has pull'd down a good many Parliaments.

Pub. What is that to the purpose? Is our Army a popular Assembly? Yet let them pull down a Parliament as often as they please, they must set up another; and in this indeed there may be some resemblance: for let a popular Assembly pull down the Senate as often as they please, they must set another.

Val. Or a single Person.

Pub. Right: for that holds both ways too, and (as to our case) will stand neither.

Val. The People of *Athens* debated, yet for all that their Senate was not depos'd.

Pub. Not formally; but it remain'd little better than a Warren, wherein great Men did, as it were, start hares, to be hunted in the tumult of the popular Assembly.

Val. Verily, PUBLICOLA, this Model of yours is a most intire thing.

Pub. This with the necessary consequences, as the division of the Senate into Senatorian Councils, the adorning and actuating of this and the other Assembly with fit Magistrates, whereof I have sufficiently discours'd in other places, amounts to an intire thing.

Val. And you offer it freely.

Pub. I do.

Val. Would it not grieve you to see them crop a little of it, and spoil it?

Pub. They had better take it to some purpose.

Val. Nay, what they take will be to some purpose, I warrant you. Come, there is a Party, a select, a refin'd Party, a Nation in a Nation, that must and will govern.

Pub. That is it which I desire to see.

Val. You are of a rare temper; happy in unhappiness.

Pub. O I love frequent Changes.

Val. Is that any of your Virtues?

Pub. Yes, where we are certain never to go right, while there remains a way to go wrong.

Val. They are confident men. They cannot be persuaded but they can govern the World.

Pub. Till they have try'd. Such as can govern the World, are such as can be govern'd by Reason. Now there is no Party refin'd, select, or what you will in *England*, amounting to one twentieth part of the whole People.

Val. One twentieth part of the People, for ought I know, may amount to a hundred thousand; there is no Party any thing near this account, I dare say.

Pub. A twentieth part of the People can never govern the other nineteen, but by a perpetual Army.

Val. They do not like that the worse.

Pub. The People having been govern'd by a King without an Army, and being govern'd by a Common-wealth with an Army, will detest the Government of a Common-wealth, and desire that of a King.

Val. Yes, such is the spirit of the Nation.

Pub. Such is the spirit in this case of any Nation.

Val. And yet they make it a particular quarrel.

Pub. They make every thing particular: if you speak of *Israel*, *Athens*, *Rome*, *Venice*, or the like, they hear you with volubility of countenance; and will not have it that God ever minded the matter of Government, till he brought them in play. Nay, tho' they have come heels over head for this very thing, I know not how often, yet they are resolv'd to take no warning.

Val. PUBLICOLA, you will be silent.

Pub. I am to perform my duty. To flatter is not my duty.

Val. But between you and me, Do you not think that the spirit of the Nation, or the main body of the People of this Land, desires the restitution of their antient Government?

Pub. I make little doubt of it.

Val. How then in case of a Common-wealth are they to be trusted?

Pub. In case of a Common-wealth, it is not the People that are trusted, but the Orders of the Common-wealth.

Val. The Common-wealth must consist of the People.

Pub. The People under the Monarchy, when that invaded them, invaded it.

Val. True, and in such a manner as has caus'd the ruin of it.

Pub. What was the spirit of the People then?

Val. But it is now another thing.

Pub. Nay, the very same: for then it invaded a Government that invaded their Liberty, and now it would invade a Government that invades their Liberty.

Val. But how should this be mended?

Pub. Do you not see that this should not be mended, but encourag'd?

Val. How should it be encourag'd then?

Pub. By giving them a Form that must preserve their Liberty.

Val. I little doubt but there is in your Form a full security to the People of their Liberty; but do you think that there is in it any full security

security that the People shall not cast off this Form?

Pub. If it secures their Liberty, why should they?

Val. My question is not, why they should, but whether they can.

Pub. They cannot, without going against their own interest.

Val. But they can go against their own interest.

Pub. Nay, remember your self, whether the Form shewn be not such, as you have already granted can in no wise go beside the interest of the whole People.

Val. They that are now in power, have no trust at all in Forms.

Pub. Do they fail in Ships, not upon Planks? Do they ride Horses, not Hogs? Do they travel in Coaches, not upon Hurdles? Do they live in Houses, not in Ditches? Do they eat Bread, not Stones?

Val. Enough, enough.

Pub. But in so doing they acknowledge such a Form to be security for such a use or action. And must the form of a Common-wealth be the only form in which they can allow no security for the proper use and action?

Val. They observe none of this.

Pub. Do they observe that there is any security in Men?

Val. That, especially in our times, were somewhat a hard matter.

Pub. And how many Securities are there?

Val. I know no more, than one personal, or in Men; another real, or in things.

Pub. Chuse you whether you would have.

Val. Well, be the necessary action or use of your Form what it will, I would see it more plainly and particularly demonstrated how the spirit of the Nation, or the whole People, being freely eligible into your Assemblies, must presently lose that Inclination which now plainly they have to set up Monarchy, or to persecute for Conscience.

Pub. You will allow no weight in the Argument, that a People in Liberty, unless the Orders of their Common-wealth were first fundamentally ruin'd, that is, broken in the balance or foundation, did never do either of these.

Val. What weight soever I allow to this Argument, it is no ways to my present purpose.

Pub. You will put me then beside experience, and to shew by what reason it is that a Peartree must bear Peers, or why men gather not Grapes on Thorns, or Figgs on Thistles.

Val. Poor PUBLICOLA, be the task as hard as it will, I am for this time resolv'd to hold you to it.

Pub. What is it then that any Government can be sufficiently founded or balanc'd upon, but such an Interest as is sufficiently able to bear it?

Val. Good Sir, a Government ought to be founded upon Justice, I take it.

Pub. Right: and is not that Government which is founded upon an Interest not sufficiently able to bear it, founded upon Injustice?

Val. I suspect whither this will go. A Government founded upon the overbalance of Property, is legitimately founded, and so upon Justice; but a Government founded upon the under-balance of Property, must of necessity be founded upon Force, or a standing Army. Is not this that which you mean by Interest sufficient or not sufficient to sustain a Government?

Pub. You have it right.

Val.

Val. O Atheist! this damns the Government of the Saints.

Pub. Look you now, how irreligious a thing it may be made, to speak but with common honesty. Do you think that such as are plainly Oligarchists, or shall exercise by a force, and without election by the People, such a Power as is both naturally and declaredly in the People, and in them only, can establish their Throne upon Justice?

Val. No.

Pub. Do you think that such as are truly Saints, can establish their Throne upon Injustice?

Val. No.

Pub. Why then you have granted, that such as are plainly Oligarchists cannot be truly Saints. Again, do you still think, as you once intimated, that a Government now introduc'd in *England*, exactly according to the Principles of Prudence and Justice, would rule the Earth?

Val. Yes.

Pub. Do you think, that such as are truly Saints, if they introduce a Government, ought to introduce it exactly according to the Principles of Prudence and Justice?

Val. Yes.

Pub. Why then, let such as are truly Saints but see what it is to rule the Earth, and take the rule of the Earth.

Val. They will not approve of this way.

Pub. How! not the Saints approve of Prudence and Justice! Who is the Atheist now, VALERIUS?

Val. Good PUBLICOLA, let us keep to the point in hand. You say, That the security of Liberty lies not in the People, but in the form of their Government; so I am yet to expect when you will shew, what there is in your form, why it must be impossible for the People under it to restore Monarchy, or to persecute for Conscience.

Pub. See you not, that to do either of these under such a form, must be point blank against their Interest?

Val. But so either of these is now, and yet in this posture you will confess that they would do both.

Pub. Mark how I am us'd. I speak of a Form supported by an Interest sufficiently able to bear it, and of an Interest contain'd under a Form sufficiently able to secure it; and you instance in a Posture which is no Form at all, but such a confusion among, and force upon the People, as creates an Interest in them to rid themselves which way they can of such a misery.

Val. I did acknowledge and must confess, that your popular Assembly is such as cannot err, except thro' ignorance; but thro' this, you your self have acknowledg'd, and must confess, that it may err.

Pub. I retract nothing.

Val. Now first, or never, they will restore Monarchy thro' ignorance.

Pub. But they cannot do this first, therefore they can never do it.

Val. Why cannot the popular Assembly do this first?

Pub. Because it must first be propos'd by a Senate, that can neither do any such thing thro' ignorance nor thro' knowledge.

Val. Nay, then have at you; I will set this same Senate and Representative of yours to work in such a manner, that you shall confess they may set up Monarchy.

Pub.

Pub. Do your worst.

Val. Your Senate being assembl'd (I will not have them make long Speeches;

Pub. Nor I)

Val. Rises me up one of the Senators, and says, ' Mr. Speaker, ' this Nation has been long in labour, but now thro' the mercy of ' God, the Child is not only come to the Birth, but there is also ' strength to bring forth: In the number of Counsellors there is ' strength; the number of this House is good (far better than has usual- ' ly been of late) and their Election has been very free and fair. Here ' is also, I know not how (but the Inventions of men are over-rul'd ' by the Providence of God) an extraordinary and exceeding great con- ' fluence of honest men, who are not so well here; and if you determine ' any thing that is good for your Country, will go home and pray for ' you. Now, Sir, (to be brief) since our Government consisted of King, ' Lords, and Commons, the antient, the only, the most-happy Go- ' vernment that this Nation, nay, that the World ever knew, it is ' but too well known, that we have had no Government at all: where- ' fore my opinion is, that we propose, as they call it, to these honest ' men (who you need not doubt will receive it with glad hearts) the ' restitution of Right, and of the Government in this Nation by King, ' Lords, and Commons.

As sure as you live, PUBLICOLA, thus much being said, your whole Senate will immediately agree to propose it to the Representative: and thus much being propos'd to the Representative, those People will throw up their Caps for joy, and immediately return to their Houses.

Pub. But VALERIUS, thus much has been said in Parliament when the House was fuller; when they who were for this Restitution were back'd by a single Person in actual possession of the Throne; when over and above the zeal of the *Presbyterians*, there were Parties that knew no other means of self-preservation; as without, Divines be-labouring the Oak of every Pulpit; and within, Lawyers, Officers, and Pensioners: yet was it so far from being carry'd, that the single Person has been forc'd to dissolve Parliaments, and that thro' apparent danger of being over-run by the Principles of a Common-wealth not in being. But if this were so when a Common-wealth could scarce be hop'd, what will it be when the Common-wealth shall be in such a condition as cannot be withstood? for the Senate can never come to propose any thing to the People without first agreeing upon debating what it is they will propose; nor is it possible that such Debate should be brought to any end, but by reasons thereto conducing: now it must not only be impossible to find reasons for the restitution of Monarchy, but the reasons why Monarchy ought not to be restor'd must be obvious; not only in regard that it is quite contrary to the interest of the Nation, and of these Assemblies, but to the interest ten to one of every particular man in either of these Assemblies: nor are or have the rea-sons been less obvious, or less ventilated in Parliament, why Monarchy as to this Nation is impossible in it self.

Val. Will you say the like for Liberty of Conscience?

Pub. Yes; because without Liberty of Conscience, Civil Liberty cannot be perfect; and without Civil Liberty, Liberty of Conscience cannot be perfect.

Val. These things are true, but they never will see them, never, **PUBLICOLA**: you your self say, That the People cannot see, but they can feel.

Pub. I meant that of the diffusive Body of the People, not of the People under good Orders; in which case they are the sharpest sighted of any kind of Government whatsoever: and therefore it is not modest that you, or I, or any particular Man or Party, blinded with self-conceit, should pretend to see with such a Constitution; or shew me that Eye under the Sun, that sees like that of *Venice*. But putting the case it were otherwise as to seeing, these things are plainly palpable or obvious to feeling.

Val. I have indeed observ'd, that in Common-wealths there are very few that see or understand them, and yet their affection to that way of Government is exceeding vigorous.

Pub. Whence can this otherwise be than from feeling? But one thing, **VALERIUS**, I take at your hands extreme heavily.

Val. What is that, **PUBLICOLA**?

Pub. That you with one little Speech of a single Senator should run so regardlessly over these two Assemblies, without taking any notice at all of the necessary Course of them.

Val. What Course, **PUBLICOLA**?

Pub. Why you might easily have thought that among three hundred Senators there might have been at least one hundred as good Speakers as yours.

Val. Have I said any thing to the contrary?

Pub. And do you or I what we can, ten to one of them will be longer winded than you have allow'd.

Val. For that matter let them please themselves.

Pub. Ay, but then you should not have made an end of your Debate in a minute.

Val. What is all this?

Pub. Why I say, They would have been debating on that point at least a fortnight.

Val. Well, and when that had been done, would never have agreed.

Pub. No.

Val. Did not you say that before?

Pub. Well, but I am now upon another point; that was to the matter in debate, this is to the manner of proceeding: imagine the matter had been such upon which they could have agreed.

Val. What then?

Pub. Then such an agreement had been a Decree of the Senate.

Val. Is a Decree of the Senate binding?

Pub. If it be upon a Law made, it is binding; if upon a Law to be made, it is to be propos'd to the People. Now every Proposition to the People is to be promulgated, that is, printed and publish'd to the whole Nation six weeks before the time that the Representative is to assemble and give the Vote of the Common-wealth, or that test without which no such Proposition can be any Law.

Val. By this means it must follow, that the whole People both by Discourse and Letters, debate six weeks together upon the matter.

Pub. You are right.

Val. How is it then that you say, The Representative of the People must not debate? You allow to these less privilege than to the whole People.

Pub.

Pub. No less, nor in this point any more.

Val. Yet does this amount to Debate in those that are of the Representative.

Pub. You say well, but not to any Debate at all in the Representative.

Val. Why this Representative is nothing else but an Instrument or Method, whereby to receive the Result of the whole Nation with order and expedition, and without any manner of tumult or confusion.

Pub. And is that any thing the worse?

Val. No; but I am glad you have told it me: for that those of the Representative would one way or other have Debate, I knew certainly.

Pub. In some, are you satisfy'd, that the Spirit of the Nation, or the People, however they may now under no Form at all, and in detestation of such as having govern'd them by force, will let them see no way out of confusion, desire their old Government, as having never yet known any other; yet under such a Form as is propos'd, can never go about to introduce Monarchy, without obvious discovery, that as to their Interest it is quite contrary, and as to itself impossible?

Val. The satisfaction is pretty good.

Pub. Pretty good! give me but half so good, that the spirit of the Army, not formerly obedient to Parliaments, and now dreading or despising them, must apprehend the restitution of Monarchy to be quite contrary to their interest.

Val. You surprize me: for if the Army will have no Parliament, and a King restor'd can now in *England* without an Army have no Government, they may imagine this their only way to Greatness and Continuance.

Pub. Had not the Oligarchy then, if they meant well, better to have us'd sober expressions, and minded what those true and real Interests are, which in the foundation and preservation of every kind of Government are paramount, than to have overcast them with the mist of new affected Phrases, and fallen on conjuring up Spirits?

Val. You have conjur'd up a Spirit that will keep me waking.

Pub. Set him on pulling down the Law and the Ministry; when that is done, let him blow up *Windsor Castle*, *Hampton Court*, and throw *Whitehall* into the *Thames*.

Val. It is the only way, for then there can be no King.

Pub. You may be sure of that, seeing the Count of *Holland's* Domain, and his Houses are yet not only standing, but diligently preserv'd by the *Hollanders*.

Val. PUBLICOLA, have you any more to tell me?

Pub. VALERIUS, have you any more to ask me?

Val. Not, except why you have not given the Parliament to understand thus much.

Pub. I have printed it over and over.

Val. They take no great notice of Books; you should have laid it, as they say, in their dish by some direct Address, as a Petition, or so.

Pub. I did petition the Committee for Government.

Val. What answer did they make you?

Pub. None at all.

Val.

Valerius and Publicola.

Val. I would have gone further, and have presented it to the House,
Pub. Towards this also I went as far as I could.

Val. How far was that?

Pub. Why, I think my Petition may have been worn out in the pockets of some two or three Members.

Val. Have you a Copy of it about you?

Pub. Let me see—here are many Papers; this same is it.

*To the Parliament of the Common-wealth of
 England, &c.*

The Humble PETITION, &c.

Sheweth,

THAT what neither is, nor ever was in Nature, can never be in Nature.

THAT without a King and Lords, no Government either is, or ever was in Nature (but in mere force) other than by a Senate indu'd with Authority to debate and propose; and by a numerous Assembly of the People wholly and only invested with the right of Result in all matters of Law-giving, of making Peace and War, and of levying Men and Money.

WHEREFORE your Petitioner (to disburden his Conscience in a matter of such concern to his Country) most humbly and earnestly prays and beseeches the Parliament, to take into speedy and serious consideration the irrefragable truth of the Premises, and what thereupon must assuredly follow, that is, either the institution of a Common-wealth in the whole People of *England* (without exception, or with exception for a time, of so few as may be) by way of a Senate, and a numerous Assembly of the People, to the ends, and for the respective Functions aforesaid; or the inevitable ruin of this Nation, which God of his mercy avert.

And your Petitioner shall pray, &c.

Val. I would it had been deliver'd.

Pub. Look you, if this had been represented to the House, I intended to have added this other Paper, and to have printed them together.

The PETITIONER to the READER.

Reader,

ISAY not that the Form contain'd in the Petition (if we had it, and no more) would be perfect; but that without thus much (which rightly introduc'd, introduces the rest) there neither is, was, nor can be any such thing as a Common-wealth, or Government without a King and Lords, in Nature.

WHERE

WHERE there is a co-ordinate Senate, there must be a King, or it falls instantly by the People; as the King failing, the House of Peers fell by the Commons.

WHERE there is a Senate not elective by the People, there is a perpetual Feud between the Senate and the People, as in *Rome*.

TO introduce either of these Causes, is certainly and inevitably to introduce one of these Effects; and if so, then who are Cavaliers, I leave you to judge hereafter.

BUT to add farther reason to experience. All Civil Power among us (not only by declaration of Parliament, but by the nature of Property) is in and from the People.

WHERE the Power is in the People, there the Senate can legitimately be no more to the Popular Assembly, than my Council at Law is to me, that is (*auxilium, non imperium*) a necessary Aid, not a Competitor or Rival in Power.

WHERE the Aids of the People become their Rivals or Competitors in Power, there their Shepherds become Wolves, their Peace Discord, and their Government Ruin. But to impose a select or co-ordinate Senate upon the People, is to give them Rivals and Competitors in Power.

SOME perhaps (such is the temper of the times) will say, That so much human Confidence as is express'd, especially in the Petition, is Atheistical. But how were it Atheistical, if I should as confidently foretel, that a Boy must expire in Nonage, or become a Man? I prophesy no otherwise; and this kind of Prophecy is also of God, by those Rules of his Providence, which in the known Government of the World are infallible. In the right observation and application of these consists all human Wisdom; and we read that a poor man deliver'd a City by his Wisdom, yet was this poor man forgotten. But if the Premises of this Petition fail, or one part of the Conclusion comes not to pass accordingly, let me hit the other mark of this ambitious Address, and remain a Fool upon Record in Parliament to all Posterity. Ecclef. 9. 14.

Val. Thou Boy! and yet I hope well of thy Reputation.

Pub. Would it were but as good now, as it will be when I can make no use of it.

Val. The Major of the Petition is in some other of your Writings; and I remember some Objections which have been made against it: As, that *à non esse nec fuisse, non datur argumentum ad non posse*.

Pub. Say that in *English*.

Val. What if I cannot? are not you bound to answer a thing, tho' it cannot be said in *English*?

Pub. No truly.

Val. Well, I will say it in *English* then. Tho' there neither be any House of Gold, nor ever were any House of Gold, yet there may be a House of Gold.

Pub. Right: but then, *à non esse nec fuisse in natura, datur argumentum ad non posse in natura*.

Val. I hope you can say this in *English* too.

Pub. That I can, now you have taught me. If there were no such thing as Gold in nature, there never could be any House of Gold.

Val. Softly. The frame of a Government is as much in Art, and as little in Nature, as the frame of a House.

Pub. Both softly and surely. The Materials of a Government are as much in Nature, and as little in Art, as the Materials of a House. Now as far as Art is necessarily dispos'd by the nature of its Foundation or Materials, so far it is in Art as in Nature.

Val. What call you the Foundation, or the Materials of Government?

Pub. That which I have long since prov'd, and you granted, The Balance, the distribution of Property, and the Power thence naturally deriving; which as it is in one, in a few or in all, does necessarily dispose of the form or frame of the Government accordingly.

Val. Be the Foundation or Materials of a House what they will, the Frame or Super-structures may be diversly wrought up or shapen; and so may those of a Common-wealth.

Pub. True: but let a House be never so diversly wrought up or shapen, it must consist of a Roof and Walls.

Val. That's certain.

Pub. And so must a Common-wealth of a Senate and of a Popular Assembly, which is the sum of the Minor in the Petition.

Val. The Mathematicians say, They will not be quarelsome; but in their Sphere there are things altogether new in the World, as the present posture of the Heavens is, and as was the Star in *Cassiopeia*.

Pub. VALERIUS, if the Major of the Petition extends as far as is warranted by SOLOMON, I mean, that there is nothing new under the Sun, what new things there may be, or have been above the Sun, will make little to the present purpose.

Val. It is true; but if you have no more to say, they will take this but for shifting.

Pub. Where there is Sea, as between *Sicily* and *Naples*, there was antiently Land; and where there is Land, as in *Holland*, there was antiently Sea.

Val. What then?

Pub. Why then the present posture of the Earth is other than it has been, yet is the Earth no new thing, but consists of Land and Sea, as it did always; so whatever the present posture of the Heavens be, they consist of Star and Firmament, as they did always.

Val. What will you say then to the Star in *Cassiopeia*?

Pub. Why I say, if it consisted of the same matter with other Stars, it was no new thing in nature, but a new thing in *Cassiopeia*; as were there a Common-wealth in *England*, it would be no new thing in Nature, but a new thing in *England*.

Val. The Star you will say in *Cassiopeia*, to have been a new thing in nature, must have been no Star, because a Star is not a new thing in nature.

Pub. Very good.

Val. You run upon the matter, but the newness in the Star was in the manner of the generation.

Pub. At *Putzuoli* near *Naples*, I have seen a Mountain that rose up from under water in one night, and pour'd a good part of the Lake antiently call'd *Lucrin* into the Sea.

Val. What will you infer from hence?

Pub. Why that the new and extraordinary generation of a Star, or of a Mountain, no more causes a Star, or a Mountain to be a new thing

thing in nature, than the new and extraordinary generation of a Common-wealth causes a Common-wealth to be a new thing in nature. ARISTOTLE reports, that the Nobility of *Tarentum* being cut off in a Battle, that Common-wealth became popular. And if the Powder Plot in *England* had destroyed the King and the Nobility, it is possible that Popular Government might have risen up in *England*, as the Mountain did at *Putzuoli*. Yet for all these, would there not have been any new thing in nature.

Val. Some new thing (thro' the blending of unseen causes) there may seem to be in shuffling; but Nature will have her course, there is no other than the old game.

Pub. VALERIUS, let it rain or be fair weather, the Sun to the dissolution of Nature shall ever rise; but it is now set, and I apprehend the mist.

Val. Dear PUBLICOLA, your Health is my own; I bid you goodnight.

Pub. Goodnight to you, VALERIUS.

Val. One word more, PUBLICOLA: Pray make me a present of those same Papers, and with your leave and license, I will make use of my Memory to commit the rest of this Discourse to writing, and print it.

Pub. They are at your disposing.

Val. I will not do it as has been done, but with your name to it.

Pub. Whether way you like best, most noble VALERIUS.

Octob. 22.

1659.

System of Politics

Delineated in short and easy

A P H O R I S M S.

Publith'd from the AUTHOR's own Manuscript.

C H A P. I.

Of GOVERNMENT.

1. **A** PEOPLE is either under a state of Civil Government, or in a state of Civil War; or neither under a state of Civil Government, nor in a state of Civil War.
2. CIVIL Government is an Art whereby a People rule themselves, or are rul'd by others.
3. THE Art of Civil Government in general is two-fold, National, or Provincial.
4. NATIONAL Government is that by which a Nation is govern'd independently, or within it self.
5. PROVINCIAL Government is that by which a Province is govern'd dependently, or by some foreign Prince or State.
6. A PEOPLE is neither govern'd by themselves, nor by others, but by reason of some external Principle thereto forcing them.
7. FORCE is of two kinds, Natural and Unnatural.
8. NATURAL Force consists in the vigour of Principles, and their natural necessary Operations.
9. UNNATURAL Force is an external or adventitious opposition to the vigour of Principles, and their necessary working, which, from a violation of Nature, is call'd Violence.
10. NATIONAL Government is an effect of natural Force, or Vigour.
11. PROVINCIAL Government is an effect of natural Force, or Violence.
12. THE natural Force which works or produces National Government (of which only I shall speak hereafter) consists in Riches.
13. THE Man that cannot live upon his own, must be a Servant; but he that can live upon his own, may be a Freeman.
14. WHERE a People cannot live upon their own, the Government is either Monarchy, or Aristocracy: where a People can live upon

upon their own, the Government may be Democracy.

15. A MAN that could live upon his own, may yet, to spare his own, and live upon another, be a Servant: but a People that can live upon their own, cannot spare their own, and live upon another; but (except they be no Servants, that is, except they come to a Democracy) they must waste their own by maintaining their Masters, or by having others to live upon them.

16. WHERE a People that can live upon their own, imagine that they can be govern'd by others, and not liv'd upon by such Governors, it is not the Genius of the People, it is the Mistake of the People.

17. WHERE a People that can live upon their own, will not be govern'd by others lest they be liv'd upon by others, it is not the Mistake of the People, it is the Genius of the People.

18. OF Government there are three Principles; Matter, Privation, and Form.

CHAP. II.

Of the Matter of Government.

1. THAT which is the Matter of Government, is what we call an Estate, be it in Lands, Goods, or Money.

2. IF the Estate be more in Money than in Land, the port or garb of the Owner goes more upon his Monies than his Lands; which with private Men is ordinary, but with Nations (except such only as live more upon their Trade than upon their Territory) is not to be found: for which cause over-balance of Riches in Money or Goods, as to the sequel of these Aphorisms, is altogether omitted.

3. IF the Estate be more in Land than in Goods or Money, the garb and port of the Owner (whether a Man or a Nation) goes more, if not altogether upon his Land.

4. IF a Man has some Estate, he may have some Servants or a Family, and consequently some Government, or something to govern: if he has no Estate, he can have no Government.

5. WHERE the eldest of many Brothers has all, or so much that the rest for their Livelihood stand in need of him, that Brother is as it were Prince in that Family.

6. WHERE of many Brothers the eldest has but an equal share, or not so unequal as to make the rest to stand in need of him for their livelihood, that Family is as it were a Common-wealth.

7. DISTRIBUTION of shares in Land, as to the three grand Interests, the King, the Nobility, and the People, must be equal or unequal.

8. EQUAL distribution of Land, as if one man or a few men have one half of the Territory, and the People have the other half, causes privation of Government, and a state of Civil War: for the Lord or Lords on the one side being able to assert their pretension or right to rule, and the People on the other their pretension or right to Liberty, that Nation can never come under any form of Government till that question be decided; and, Property being not by any Law to be violated or mov'd, any such Question cannot be decided but by the Sword only.

9. **INEQUAL** distribution of shares in Land, as to the three grand Interests, or the whole Land in any one of these, is that which causes one of these three to be the predominant Interest.

10. **ALL** Government is Interest, and the predominant Interest gives the Matter or Foundation of the Government.

11. **IF** one man has the whole, or two parts in three of the whole Land or Territory, the Interest of one man is the predominant Interest, and causes absolute Monarchy.

12. **IF** a few men have the whole, or two parts in three of the whole Land or Territory, the Interest of the Few or of the Nobility is the predominant Interest; and, were there any such thing in nature, would cause a pure Aristocracy.

13. **IT** being so that pure Aristocracy, or the Nobility having the whole, or two parts in three of the whole Land or Territory, without a Moderator or Prince to balance them, is a state of War, in which every one, as he grows eminent or potent, aspires to Monarchy; and that not any Nobility can have Peace, or can reign without having such a Moderator or Prince, as on the one side they may balance or hold in from being absolute, and on the other side may balance or hold them and their Factions from flying out into Arms: it follows, that if a few men have the whole, or two parts in three of the whole Land or Territory, the Interest of the Nobility being the predominant Interest, must of necessity produce regulated Monarchy.

14. If the Many, or the People, have the whole, or two parts in three of the whole Land or Territory, the Interest of the Many or of the People is the predominant Interest, and causes Democracy.

15. **A PEOPLE** neither under absolute or under regulated Monarchy, nor yet under Democracy, are under a privation of Government.

C H A P III.

Of the Privation of Government.

1. **WHERE** a People are not in a state of Civil Government, but in a state of Civil War; or where a People are neither under a state of Civil Government, nor under a state of Civil War, there the People are under Privation of Government.

2 **WHERE** one Man, not having the whole, or two parts in three of the whole Land or Territory, yet assumes to himself the whole Power; there the People are under Privation of Government, and this Privation is call'd *Tyranny*.

3. **WHERE** a few men, not having the whole, or about two parts in three of the whole Land or Territory, yet assume to themselves the whole Power; there the People are under Privation of Government, and this Privation is call'd *Oligarchy*.

4. **WHERE** the Many, or the People, not having the whole, or two parts in three of the whole Land or Territory, yet assume to themselves the whole Power; there the People are under Privation of Government, and this Privation is call'd *Anarchy*.

5. Where the Tyranny, the Oligarchy, or the Anarchy, not having in the Land or Territory such a full share as may amount to the

the truth of Government, have nevertheless such a share in it as may Chap. IV. maintain an Army; there the People are under privation of Government, and this Privation is a state of Civil War.

6. WHERE the Tyranny, the Oligarchy, or the Anarchy, have not any such share in the Land or Territory as may maintain an Army, there the People are in privation of Government; which Privation is neither a state of Civil Government, nor a state of Civil War.

7. WHERE the People are neither in a state of Civil Government, nor in a state of Civil War, there the Tyranny, the Oligarchy, or the Anarchy, cannot stand by any force of Nature, because it is void of any natural Foundation; nor by any force of Arms, because it is not able to maintain an Army; and so must fall away of itself thro' the want of a Foundation, or be blown up by some tumult: and in this kind of Privation the Matter or Foundation of a good orderly Government is ready and in being, and there wants nothing to the perfection of the same, but proper Super-structures or Form.

C H A P. IV.

Of the Form of Government.

1. **T**HAT which gives the being, the action, and the denomination to a Creature or Thing, is the Form of that Creature or Thing.

2. **T**HERE is in Form something that is not Elementary but Divine.

3. **T**HE contemplation of Form is astonishing to Man, and has a kind of trouble or impulse accompanying it, that exalts his Soul to God.

4. **A**S the Form of a Man is the Image of God, so the Form of a Government is the Image of Man.

5. **M**AN is both a sensual and a philosophical Creature.

6. **S**ENSUALITY in a Man is when he is led only as are the Beasts, that is, no otherwise than by Appetite.

7. **P**HILOSOPHY is the knowledge of Divine and Human Things.

8. **T**O preserve and defend himself against Violence, is natural to Man as he is a sensual Creature.

9. **T**O have an impulse, or to be rais'd upon contemplation of natural things to the Adoration or Worship of God, is natural to Man as he is a Philosophical Creature.

10. **F**ORMATION of Government is the creation of a Political Creature after the Image of a Philosophical Creature; or it is an infusion of the Soul or Faculties of a Man into the body of a Multitude.

11. **T**HE more the Soul or Faculties of a Man (in the manner of their being infus'd into the body of a Multitude) are refin'd or made incapable of Passion, the more perfect is the Form of Government.

12. **N**OT the refin'd Spirit of a Man, or of some Men, is a good Form of Government; but a good Form of Government is the refin'd Spirit of a Nation.

13. **T**HE

Chap. IV.

13. THE Spirit of a Nation (whether refin'd or not refin'd) can neither be wholly Saint nor Atheist: Not Saint, because the far greater part of the People is never able in matters of Religion to be their own Leaders; nor Atheists, because Religion is every whit as indelible a Character in man's Nature as Reason.

14. LANGUAGE is not a more natural intercourse between the Soul of one man and another, than Religion is between God and the Soul of a man.

15. AS not this Language, nor that Language, but some Language; so not this Religion, nor that Religion, yet some Religion is natural to every Nation.

16. THE Soul of Government, as the true and perfect Image of the Soul of Man, is every whit as necessarily religious as rational.

17. THE Body of a Government, as consisting of the sensual part of Man, is every whit as preservative and defensive of it self as sensual Creatures are of themselves.

18. THE Body of a Man, not actuated or led by the Soul, is a dead thing out of pain and misery; but the Body of a People, not actuated or led by the Soul of Government, is a living thing in pain and misery.

19. THE Body of a People, not led by the reason of the Government, is not a People, but a Herd; not led by the Religion of the Government, is at an inquiet and an uncomfortable loss in itself; not disciplin'd by the conduct of the Government, is not an Army for defence of it self, but a Rout; not directed by the Laws of the Government, has not any rule of right; and without recourse to the Justice or Judicatories of the Government, has no remedy of wrongs.

20. IN contemplation of, and in conformity to the Soul of man, as also for supply of those his Necessities which are not otherwise supply'd, or to be supply'd by Nature, Form of Government consists necessarily of these five parts: The Civil, which is the Reason of the People; the Religious, which is the Comfort of the People; the Military which is the Captain of the People; the Laws, which are the Rights of the People; and the Judicatories, which are the Avengers of their Wrongs.

21. THE parts of Form in Government are as the Offices in a House; and the Orders of a Form of Government are as the Orders of a House or Family.

22. GOOD Orders make evil men good, and bad Orders make good men evil.

23. OLIGARCHISTS (to the end they may keep all others out of the Government) pretending themselves to be Saints, do also pretend that they in whom Lust reigns, are not fit for Reign or for Government. But *Libido dominandi*, the Lust of Government, is the greatest Lust, which also reigns most in those that have least right, as in Oligarchists: for many a King and many a People have and had unquestionable Right, but an Oligarchist never; whence from their own argument, the Lust of Government reigning most in Oligarchists, it undeniably follows that Oligarchists of all men are least fit for Government.

24. AS in Houses not differing in the kinds of their Offices, the Orders of the Families differ much; so the difference of Form in different Governments consists not in the kinds or number of the Parts, which

which in every one is alike, but in the different ways of ordering those parts. And as the different Orders of a House arise for the most part from the quantity and quality of the Estate by which it is defray'd or maintain'd, according as it is in one or more of the Family as Proprietors, so is it also in a Government. Chap. V.

25. THE Orders of the Form, which are the manners of the mind of the Government, follow the temperament of the Body, or the distribution of the Lands or Territories, and the Interests thence arising.

26. THE Interest of Arbitrary Monarchy is the absoluteness of the Monarch; the Interest of Regulated Monarchy is the greatness of the Nobility; the Interest of Democracy is the felicity of the People: for in Democracy the Government is for the use of the People, and in Monarchy the People are for the use of the Government, that is, of one Lord or more.

27. THE use of a Horse without his Provender, or of the People without some regard had to the necessities of Human Nature, can be none at all: nor are those necessities of Nature in any Form whatsoever to be otherwise provided for than by those five parts already mention'd; for which cause every Government consists of five parts: the Civil, the Religious, the Military, the Laws, and the Judicatories.

C H A P. V.

Of Form in the Civil part.

1. THOSE Naturalists, that have best written of Generation, do observe that all things proceed from an Egg, and that there is in every Egg a *Punctum saliens*, or a part first mov'd, as the purple Speck observ'd in those of Hens; from the working whereof the other Organs or fit Members are delineated, distinguish'd, and wrought into one Organical Body.

2. A NATION without Government, or fallen into privation of Form, is like an Egg unhatch'd; and the *Punctum saliens*, or first mover from the corruption of the Former to the generation of the succeeding Form, is either a sole Legislator or a Council.

3. A SOLE Legislator, proceeding according to Art or Knowledge, produces Government in the whole piece at once and in perfection. But a Council (proceeding not according to Art, or what in a new case is necessary or fit for them, but according to that which they call the Genius of the People still hankering after the things they have been us'd to, or their old Customs, how plain soever it be made in reason that they can no longer fit them) make patching work, and are Ages about that which is very seldom or never brought by them to any perfection; but commonly comes by the way to ruin, leaving the noblest Attempts under reproach, and the Authors of them expos'd to the greatest miseries while they live, if not their Memories when they are dead and gone to the greatest infamy.

4. IF the *Punctum saliens*, or first mover in generation of the Form be a sole Legislator, his proceeding is not only according to Nature, but according to Art also, and begins with the Delineation of distinct Orders or Members.

Chap. V.

5. **DELINEATION** of distinct Organs or Members (as to the Form of Government) is a division of the Territory into fit Precincts once stated for all, and a formation of them to their proper Offices and Functions, according to the nature or truth of the Form to be introduc'd.

6. **PRECINCTS** in absolute Monarchy are commonly call'd *Provinces*; and as to the delineation or stating of them, they may be equal or unequal. Precincts in regulated Monarchy, where the Lords or Nobility as to their Titles or Estates ought not to be equal, but to differ as one Star differs from another in Glory, are commonly call'd *Counties*, and ought to be unequal. Precincts in Democracy, where without equality in the Electors there will hardly be any equality in the Elected; or where without equality in the Precincts, it is almost, if not altogether impossible there should be equality in the Commonwealth, are properly call'd *Tribes*, and ought by all means to be equal.

7. **EQUALITY** or Parity has been represented an odious thing, and made to imply the levelling of men's Estates; but if a Nobility, how unequal soever in their Estates or Titles, yet to come to the truth of Aristocracy, must as to their Votes or participation in the Government be *pares regni*, that is to say Peers, or in parity among themselves: as well likewise the People, to attain to the truth of Democracy, may be Peers, or in parity among themselves, and yet not as to their Estates be oblig'd to levelling.

8. **INDUSTRY** of all things is the most accumulative, and Accumulation of all things hates levelling: The Revenue therefore of the People being the Revenue of Industry, tho' some Nobility (as that of *Israel*, or that of *Lacedemon*) may be found to have been Levellers, yet not any People in the World.

9. **PRECINCTS** being stated, are in the next place to be form'd to their proper Offices and Functions, according to the truth of the Form to be introduc'd; which in general is to form them as it were into distinct Governments, and to endow them with distinct Governors.

10. **GOVERNMENTS** or Governors are either Supreme or Subordinate. For absolute Monarchy to admit in its Precincts any Government or Governors that are not subordinate but supreme, were a plain contradiction. But that regulated Monarchy, and that Democracy may do it, is seen in the Princes of *Germany*, and in the Cantons of *Switzerland*: Nevertheless these being Governments that have deriv'd this not from the Wisdom of any Legislator, but from accident, and an ill disposition of the matter, whereby they are not only incapable of Greatness, but even of any perfect state of Health, they come not under the consideration of Art, from which they derive not; but of Chance, to which we leave them. And, to speak according to Art, we pronounce that, as well in Democracy and in regulated as in absolute Monarchy, Governors and Governments in the several divisions ought not to be Sovereignities, but subordinate to one common Sovereign.

11. **SUBORDINATE** Governors are at will, or for life, or upon Rotation or Changes.

12. **IN** absolute Monarchy the Governors of Provinces must either be at will, or upon Rotation, or else the Monarch cannot be absolute. In regulated Monarchy the Governors of the Counties may be for life or hereditary, as in Counts or Lords; or for some certain term

term and upon rotation, as in Viscounts or Sheriffs. In Democracy Chap. V. the People are Servants to their Governors for life, and so cannot be free; or the Governors of the Tribes must be upon rotation and for some certain term, excluding the Party that have born the Magistracy from that term from being elected into the like again, till an equal interval or vacation be expired.

13. THE term in which a man may administer Government to the good of it, and not attempt upon it to the harm of it, is the fittest term of bearing Magistracy; and three years in a Magistracy describ'd by the Law under which a man has lived, and which he has known by the carriage or practice of it in others, is a term in which he cannot attempt upon his Government for the hurt of it, but may administer it for the good of it, tho' such a Magistracy or Government should consist of divers Functions.

14. GOVERNORS in subordinate Precincts have commonly three Functions: the one Civil, the other Judicial, and the third Military.

15. IN absolute Monarchy the Government of a Province consists of one *Beglerberg*, or Governor for three years, with his Council or *Divan* for Civil matters, and his Guard of *Janizaries* and *Spahys*, that is, of Horse and Foot, with power to levy and command the *Timariots* or Military Farmers.

16. IN regulated Monarchy the Government of a County consists of one Count or Lord for Life, or of one Viscount or Sheriff for some limited term, with power in certain Civil and Judicial matters, and to levy and command the *Posse Comitatus*.

17. IN Democracy the Government of a Tribe consists of one Council or Court, in one third part elected annually by the People of that Tribe for the Civil, for the Judicial, and for the Military Government of the same; as also to preside at the Election of Deputies in that Tribe towards the annual supply, in one third part of the common and sovereign Assemblies of the whole Commonwealth, that is to say, of the Senate and of the Popular Assembly; in which two these Tribes, thus delineated and distinguish'd into proper Organs or fit Members to be actuated by those sovereign Assemblies, are wrought up again by connexion into one intire and organical Body.

18. A PARLIAMENT of Physicians would never have found out the Circulation of the Blood, nor could a Parliament of Poets have written VIRGIL'S *Æneis*; of this kind therefore in the formation of Government is the proceeding of a sole Legislator. But if the People without a Legislator set upon such work by a certain Instinct that is in them, they never go further than to chuse a Council; not considering that the formation of Government is as well a work of Invention as of Judgment; and that a Council, tho' in matters laid before them they may excel in Judgment, yet Invention is as contrary to the nature of a Council as it is to Musicians in consort, who can play and judge of any Air that is laid before them, tho' to invent a part of Musick they can never well agree.

19. IN Councils there are three ways of Result, and every way of Result makes a different Form. A Council with the Result in the Prince makes absolute Monarchy. A Council with the Result in the Nobility, or where without the Nobility there can be no Result, makes Aristocracy, or regulated Monarchy. A Council with the Result

Chap V.

sult in the People makes Democracy. There is a fourth kind of Result or Council which amounts not to any Form but to Privation of Government; that is, a Council not consisting of a Nobility, and yet with the Result in it self, which is rank Oligarchy: so the People, seldom or never going any further than to elect a Council without any Result but it self, instead of Democracy introduce Oligarchy.

20. THE ultimate Result in every Form is the Sovereign Power. If the ultimate Result be wholly and only in the Monarch, that Monarchy is absolute. If the ultimate Result be not wholly and only in the Monarch, that Monarchy is regulated. If the Result be wholly and only in the People, the People are in Liberty, or the Form of the Government is Democracy.

21. IT may happen that a Monarchy founded upon Aristocracy, and so as to the Foundation regulated, may yet come by certain Expedients or Intrusions (as at this day in *France* and in *Spain*) as to the Administration of it to appear or to be call'd absolute; of which I shall treat more at large when I come to speak of *Reason of State*, or of Administration.

22. THE ultimate Result in the whole body of the People, if the Common-wealth be of any considerable extent, is altogether impracticable; and if the ultimate Result be but in a part of the People, the rest are not in Liberty, nor is the Government Democracy.

23. AS a whole Army cannot charge at one and the same time, yet is so ordered that every one in his turn comes up to give the Charge of the whole Army; so tho' the whole People cannot give the Result at one and the same time, yet may they be so ordered that every one in his turn may come up to give the Result of the whole People.

24. A POPULAR Assembly, rightly ordered, brings up every one in his turn to give the Result of the whole People.

25. IF the popular Assembly consists of one thousand or more, annually changeable in one third part by new Elections made in the Tribes by the People, it is rightly order'd; that is to say, so constituted that such an Assembly can have no other Interest whereupon to give the Result, than that only which is the Interest of the whole People.

26. BUT in vain is Result where there is not Matter to resolve upon; and where maturity of Debate has not proceeded, there is not yet matter to resolve upon.

27. DEBATE to be mature cannot be manag'd by a Multitude; and Result to be popular cannot be given by a Few.

28. IF a Council capable of Debate has also the Result, it is Oligarchy. If an Assembly capable of the Result has Debate also, it is Anarchy. Debate in a Council not capable of Result, and Result in an Assembly not capable of Debate, is Democracy.

29. It is not more natural to a People in their own Affairs to be their own Chusers, than upon that Occasion to be provided of their Learned Council; in so much that the saying of PACUVIUS, That *either a People is governed by a King or counsel'd by a Senate*, is universally approved.

30. WHERE the Senate has no distinct Interest, there the People are counsilable, and venture not upon Debate: where the Senate has any distinct Interest, there the People are not counsilable, but fall into Debate among themselves, and so into Confusion.

31. Of

31. OF Senates there are three kinds: First, A Senate eligible out of Chap. VI. the Nobility only, as that of *Rome*, which will not be contented to be merely the Council of the People, but will be contented that they are Lords of the People, never quitting their pretensions till they have ruin'd the Common-wealth. Secondly, a Senate elected for life, as that of *Sparta*, which will be a species of Nobility, and will have a kind of *Spartan* King, and a Senate upon rotation; which being rightly constituted is quiet, and never pretends more than to be the learned Council of the People.

32. THIRDLY, Three hundred Senators, for example, changeable in one third part of them annually by new Elections in the Tribes, and constituted a Senate to debate upon all Civil matters, to promulgate to the whole Nation what they have debated, this Promulgation to be made some such convenient time before the matters by them debated are to be propos'd, that they may be commonly known and well understood, and then to propose the same to the Result of the Popular Assembly, which only is to be the Test of every public Act, is a Senate rightly order'd.

FORM of Government (as to the Civil part) being thus compleated is sum'd up in the three following Aphorisms.

33. ABSOLUTE Monarchy (for the Civil part of the Form) consists of distinct Provinces under distinct Governors, equally subordinate to a *Grand Signor* or sole Lord, with his Council or Divan debating and proposing, and the Result wholly and only in himself.

34. REGULATED Monarchy (for the Civil part of the Form) consists of distinct Principalities or Counties under distinct Lords or Governors, which if rightly constituted are equally subordinate to the King and his Peerage, or to the King and his Estates assembled in Parliament, without whose Consent the King can do nothing.

35. DEMOCRACY (for the Civil part of the Form) if rightly constituted, consists of distinct Tribes under the Government of distinct Magistrates, Courts, or Councils, regularly changeable in one third part upon annual Elections, and subordinate to a Senate consisting of not above three hundred Senators, and to a popular Assembly consisting of not under a thousand Deputies; each of these also regularly changeable in one third part upon annual Elections in the Tribes, the Senate having the Debate, and the Popular Assembly the Result of the whole Common-wealth.

CHAP. VI.

Of Form in the Religious part.

1. FORM for the Religious part either admits of Liberty of Conscience in the whole or in part; or does not admit of Liberty of Conscience at all.

2. LIBERTY of Conscience intire, or in the whole, is where a man according to the dictates of his own Conscience may have the

Chap. VI. free exercise of his Religion, without impediment to his Preferment or Employment in the State.

3. LIBERTY of Conscience in part is, where a man according to the dictates of his Conscience may have the free exercise of his Religion; but if it be not the National Religion, he is thereby incapable of Preferment or Employment in the State.

4. WHERE the Form admits not of the free exercise of any other Religion except that only which is National, there is no Liberty of Conscience.

5. MEN who have the means to assert Liberty of Conscience, have the means to assert Civil Liberty; and will do it if they are oppressed in their Consciences.

6. MEN participating in Property, or in Employment Civil or Military, have the means to assert Liberty of Conscience.

7. ABSOLUTE Monarchy, being sole Proprietor, may admit of Liberty of Conscience to such as are not capable of Civil or Military Employment, and yet not admit of the means to assert Civil Liberty; as the *Greek* Christians under the *Turk*, who, tho' they enjoy Liberty of Conscience, cannot assert Civil Liberty, because they have neither Property nor any Civil or Military Employments.

8. REGULATED Monarchy, being not sole Proprietor, may not admit naturally of Liberty of Conscience, lest it admits of the means to assert Civil Liberty, as was lately seen in *England* by pulling down the Bishops, who, for the most part, are one half of the Foundation of regulated Monarchy.

9. DEMOCRACY being nothing but intire Liberty; and Liberty of Conscience without Civil Liberty, or Civil Liberty without Liberty of Conscience being but Liberty by halves, must admit of Liberty of Conscience both as to the perfection of its present being, and as to its future security: As to the perfection of its present being, for the Reasons already shewn, or that she do not enjoy Liberty by halves; and for future security, because this excludes absolute Monarchy, which cannot stand with Liberty of Conscience in the whole, and regulated Monarchy, which cannot stand safely with it in any part.

10. IF it be said that in *France* there is Liberty of Conscience in part, it is also plain that while the Hierarchy is standing this Liberty is falling, and that if ever it comes to pull down the Hierarchy it pulls down that Monarchy also: wherefore the Monarchy or Hierarchy will be beforehand with it, if they see their true Interest.

11. THE ultimate Result in Monarchy being that of one Man, or of a few Men, the National Religion in Monarchy may happen not to be the Religion of the major part of the People; but the Result in Democracy being in the major part of the People, it cannot happen but that the National Religion must be that of the major part of the People.

12. THE major part of the People, being in matters of Religion unable to be their own Leaders, will in such cases therefore have a public leading; or, being debar'd of their Will in that particular, are debar'd of their Liberty of Conscience.

13. WHERE the major part of the People is debar'd of their Liberty by the minor, there is neither Liberty of Conscience nor Democracy, but Spiritual or Civil Oligarchy.

14. WHERE

14. WHERE the Major part is not debar'd of their Liberty of Chap. VI.
Conscience by the Minor, there is a National Religion.

15. NATIONAL Religion is either coercive, or not coercive.

16. RELIGION is not naturally subservient to any corrupt or worldly Interest, for which cause to bring it into subjection to Interest it must be coercive.

17. WHERE Religion is coercive, or in subjection to Interest, there it is not, or will not long continue to be the true Religion.

18. WHERE Religion is not coercive, nor under subjection to any Interest, there it either is (or has no obstruction why it may not come to be) the true Religion.

19. ABSOLUTE Monarchy pretends to Infallibility in matters of Religion, employs not any that is not of its own Faith, and punishes its Apostates by death without mercy.

20. REGULATED Monarchy comes not much short of the same pretence; but consisting of Proprietors, and such as if they dissent have oftentimes the means to defend themselves, it does not therefore always attain to the exercise of the like power.

21. DEMOCRACY pretends not to Infallibility, but is in matters of Religion no more than a Seeker, not taking away from its People their Liberty of Conscience, but educating them, or so many of them as shall like of it, in such a manner or knowledge in Divine things as may render them best able to make use of their Liberty of Conscience, which it performs by the National Religion.

22. NATIONAL Religion, to be such, must have a National Ministry or Clergy.

23. THE Clergy is either a landed or a stipendiated Clergy.

24. A LANDED Clergy, attaining to one third of the Territory, is Aristocracy; and therefore equally incompatible with absolute Monarchy, and with Democracy: but to regulated Monarchy for the most part is such a Supporter, as in that case it may be truly enough said, that NO BISHOP, NO KING.

25. THE Sovereignty of the Prince in absolute Monarchy, and of the People in Democracy, admitting not of any Counterpoise, in each of these the Clergy ought not to be landed; the Labourer nevertheless being worthy of his hire, they ought to be stipendiated.

26. A CLERGY, well landed is to regulated Monarchy a very great Glory; and a Clergy not well stipendiated is to absolute Monarchy or to Democracy as great an Infamy.

27. A CLERGY, whether landed or stipendiated, is either Hierarchical or Popular.

28. A HIERARCHICAL Clergy is a Monarchical Ordination; a Popular Clergy receives Ordination from Election by the People.

FORM of Government (as to the Religious part) being thus compleated, is sum'd up in the three following Aphorisms.

29. ABSOLUTE Monarchy (for the Religious part of the Form) consists of a Hierarchical Clergy, and of an *Alcoran* (or some Book receiv'd in the nature of Scripture) interpretable by the Prince only and his Clergy, willingly permitting to them that are not capable of Employments a Liberty of Conscience.

30. REGU-

30. REGULATED Monarchy (for the Religious part of the Form) consists of an Aristocratical Hierarchy, of the Liturgy, and of the Holy Scriptures (or some such Book receiv'd for a Rule of Faith) interpretable only by the Clergy, not admitting Liberty of Conscience, except thro' mere necessity.

31. DEMOCRACY (for the Religious part of the Form) consists of a Popular Clergy, of the Scriptures (or some other Book acknowledg'd divine) with a Directory for the National Religion, and a Council for the equal maintenance both of the National Religion, and of the Liberty of Conscience.

C H A P. VII.

Of Form in the Military part.

1. **A** MAN may perish by the Sword; yet no man draws the Sword to perish, but to live by it.

2. **S**O many ways as there are of living by the Sword, so many ways there are of a Militia.

3. **I**F a Prince be Lord of the whole, or of two parts in three of the whole Territory, and divides it into Military Farms at will and without rent, upon condition of Service at their own charge in Arms whenever he commands them, it is the Sword of an absolute Monarchy.

4. **I**F the Nobility, being Lords of the whole, or of two parts in three of the whole Territory, let their Lands by good penny-worths to Tenants at will, or by their Leases bound at their Commands by whom they live to serve in Arms upon pay, it is the Sword of a regulated Monarchy.

5. **I**N Countries that have no Infantry, or Militia of free Commoners, as in *France* and *Poland*, the Nobility themselves are a vast Body of Horse, and the Sword of that Monarchy.

6. **I**F a People, where there neither is Lord nor Lords of the whole, nor of two parts in three of the whole Territory, for the common defence of their Liberty and of their Livelihood, take their turns upon the Guard or in Arms, it is the Sword of Democracy.

7. **T**HERE is a fourth kind of Militia, or of men living more immediately by the Sword, which are Soldiers of Fortune, or a mercenary Army.

8. **A**BSOLUTE Monarchy must be very well provided with Court Guards, or a mercenary Army; otherwise its Military Farmers having no bar from becoming Proprietors, the Monarchy it self has no bar from changing into Democracy.

FORM of Government (as to the Military part) being thus compleated, is sum'd up in the three following Aphorisms.

9. **I**N a regulated Monarchy where there is an Infantry, there needs not any Mercenary Army; and there the People live tolerably well.

10. **I**N a regulated Monarchy where there is no Infantry, but the Nobility themselves are a vast Body of Horse, there must also be a mer-

a mercenary Infantry, and there the People are Peasants or Slaves. Ch. VIII.

11. THERE is no such thing in nature as any Monarchy (whether absolute or regulated) subsisting merely by a mercenary Army, and without an Infantry or Cavalry planted upon the Lands of the Monarch, or of his whole Nobility.

C H A P. VIII.

Of Form in the Legal part.

1. IF Justice be not the Interest of a Government, the Interest of that a Government will be its Justice.

2. LET Equity or Justice be what it will, yet if a man be to judge or resolve in his own case, he resolves upon his own Interest.

3. EVERY Government, being not obnoxious to any Superior, resolves in her own case.

4. THE ultimate Result in every Government is the Law in that Government.

5. IN absolute Monarchy, the ultimate Result is in the Monarch.

6. IN Aristocracy, or regulated Monarchy, the ultimate Result is in the Lords or Peers, or not without them.

7. IN Democracy the ultimate Result is in the People.

8. LAW in absolute Monarchy holds such a disproportion to natural Equity, as the Interest of one Man to the Interest of all Mankind.

9. LAW in Aristocracy holds such a disproportion to natural Equity, as the Interest of a few Men to the Interest of all Mankind.

10. LAW in Democracy holds such a disproportion to natural Equity, as the Interest of a Nation to the Interest of all Mankind.

11. ONE Government has much nearer approaches to natural Equity than another; but in case natural Equity and Self-preservation come in competition, so natural is Self-preservation to every Creature, that in that case no one Government has any more regard to natural Equity than another.

12. A Man may devote himself to death or destruction to save a Nation, but no Nation will devote itself to death or destruction to save Mankind.

13. *MACHIAVEL* is decry'd for saying, that *no consideration is to be had of what is just or unjust, of what is merciful or cruel, of what is honourable or ignominious, in case it be to save a State, or to preserve Liberty*; which as to the manner of expression is crudely spoken. But to imagine that a Nation will devote it self to death or destruction any more upon Faith given or an Engagement thereto tending, than if there had been no such Engagement made or Faith given, were not piety but folly.

14. WHERESOEVER the power of making Law is, there only is the power of interpreting the Law so made.

15. GOD who has given his Law to the Soul of that man who shall voluntarily receive it, is the only Interpreter of his Law to that Soul; such at least is the judgement of Democracy. With absolute Monarchy, and with Aristocracy, it is an innate Maxim, That *the People are to be deceiv'd in two things, their RELIGION and their LAW*;

Chap IX. or that the Church or themselves are Interpreters of all Scripture, as the Priests were antiently of the *Sibyls* Books.

FORM of Government (as to the Legal part) being thus compleated is sum'd up in the three following Aphorisms.

16. **ABSOLUTE** Monarchy (for the Legal part of the Form) consists of such Laws as it pretends God has deliver'd or given the King and Priests power to interpret; or it consists of such Laws as the Monarch shall chuse or has chosen.

17. **ARISTOCRACY** (for the Legal part of the Form) consists of such Laws as the Nobility shall chuse or have chosen; or of such as the People shall chuse or have chosen, provided they be agreed to by their Lords, or by the King and their Lords.

18. **DEMOCRACY** (for the Legal part of the Form) consists of such Laws as the People, with the advice of their Council, or of the Senate, shall chuse or have chosen.

CHAP. IX.

Of Form in the Judicial part.

1. **MULTIPLICITY** of Laws, being a multiplicity of Snares for the People, causes Corruption of Government.

2. **PAUCITY** of Laws requires arbitrary Power in Courts, or Judicatories.

3. **ARBITRARY** Power (in reference to Laws) is of three kinds. (1) In making, altering, abrogating, or interpreting of Laws, which belong to the Sovereign Power. (2) In applying Laws to cases which are never any one like another. (3) In reconciling the Laws among themselves.

4. **THERE** is no difficulty at all in judging of any case whatsoever according to natural Equity.

5. **ARBITRARY** Power makes any man a competent Judge for his knowledge; but leaving him to his own Interest, which oftentimes is contrary to Justice, makes him also an incompetent Judge, in regard that he may be partial.

6. **PARTIALITY** is the cause why Laws pretend to abhor Arbitrary Power; nevertheless, seeing that not one case is altogether like another, there must in every Judicatory be some arbitrary Power.

7. **PAUCITY** of Laws causes arbitrary Power in applying them; and Multiplicity of Laws causes arbitrary Power in reconciling and applying them too.

8. **ARBITRARY** Power where it can do no wrong, does the greatest right; because no Law can ever be so fram'd, but that without arbitrary Power it may do wrong.

9. **ARBITRARY** Power, going upon the Interest of One or of a Few, makes not a just Judicatory.

10. **ARBITRARY** Power, going upon the Interest of the whole People, makes a just Judicatory.

11. **ALL** Judicatories and Laws, which have been made by Arbitrary Power, allow of the Interpretation of Arbitrary Power, and acknowledge an appeal from themselves to it.

12. **THAT**

12. **THAT** Law which leaves the least arbitrary Power to the Judge or Judicatory, is the most perfect Law.

13. **L A W S** that are the fewest, plainest, and briefest, leave the least arbitrary Power to the Judge or Judicatory; and being a Light to the People, make the most incorrupt Government.

14. **L A W S** that are perplexed, intricate, tedious, and voluminous, leave the greatest arbitrary Power to the Judge or Judicatory; and raining snares on the People, make the most corrupt Government.

15. **SEEING** no Law can be so perfect as not to leave arbitrary Power to the Judicatory, that is the best Constitution of a Judicatory where arbitrary Power can do the least hurt, and the worst Constitution of a Judicatory is where arbitrary Power can do the most ill.

16. **ARBITRARY** Power in one Judge does the most, in a few Judges does less, and in a multitude of Judges does the least hurt.

17. **THE** ultimate Appeal from all inferior Judicatories is to some sovereign Judge or Judicatory.

18. **THE** ultimate Result in every Government (as in absolute Monarchy, the Monarch; in Aristocracy, or Aristocratical Monarchy, the Peers; in Democracy, the Popular Assembly) is a sovereign Judge or Judicatory that is arbitrary.

19. **ARBITRARY** Power in Judicatories is not such as makes no use of the Law, but such by which there is a right use to be made of the Laws.

20. **THAT** Judicatory where the Judge or Judges are not obnoxious to partiality or private Interest, cannot make a wrong use of Power.

21. **THAT** Judicatory that cannot make a wrong use of Power, must make a right use of Law.

22. **EVERY** Judicatory consists of a Judge or some Judges without a Jury, or of a Jury on the Bench without any other Judge or Judges, or of a Judge or Judges on the Bench with a Jury at the Bar.

FORM of Government (as to the Judicial part) being thus compleated, is sum'd up in the three following Aphorisms.

23. **ABSOLUTE** Monarchy (for the Judicial part of the Form) admits not of any Jury, but is of some such kind as a *Cadee* or Judge in a City, or as we say in a Hundred, with an Appeal to a *Cadaliskar* or a Judge in a Province, from whom also there lies an Appeal to the *Muphti*, who is at the devotion of the *Grand Signor* or of the Monarch.

24. **ARISTOCRACY** or Aristocratical Monarchy (for the Judicial part of the Form) may admit of a Jury, so it be at the Bar only, and consists of some such kind as Delegates or ordinary Judges, with an Appeal to a House of Peers; or some such Court, as the Parliament at *Paris*, which was at the institution in the reign of **HUGH CAPET**, a Parliament of sovereign Princes.

25. **DEMOCRACY** (for the Judicial part of the Form) is of some such kind as a Jury on the Bench in every Tribe, consisting of thirty persons or more, annually eligible in one third part by the People of that Tribe, with an Appeal from thence to a Judicatory residing in the Capital City of the like Constitution, annually eligible in one third part out of the Senate or the popular Assembly, or out of both; from which also there lies an Appeal to the People, that is to the Popular Assembly.

A System of Politics.

C H A P. X.

Of the Administration of Government, or
REASON of STATE.

1. **A**S the Matter of a Ship or of a House is one thing, the Form of a Ship or of a House is another thing, and the Administration or Reason of a Ship or of the House is a third thing; so the Matter of a Government or of a State is one thing, the Form of a Government or of a State is another, and the Administration of a Government (which is what's properly and truly call'd *Reason of State*) is a third thing.

2. **THERE** are those who can play, and yet cannot pack the Cards; and there are who can pack the Cards, and yet cannot play.

3. **ADMINISTRATION** of Government, or Reason of State, to such as propose to themselves to play upon the square, is one thing; and to such as propose to themselves to pack the Cards, is another.

4. *REASON of State* is that in a Kingdom or a Commonwealth, which in a Family is call'd **THE MAIN CHANCE**.

5. **THE** Master of a Family that either keeps himself up to his antient bounds or increases his Stock, looks very well to the main Chance, at least if his play be upon the square, that is, upon his own Abilities, or good Fortune, or the Laws; but if it were not upon the square, yet an Estate however gotten, is not for that a less Estate in it self, nor less descending by the Law to his Successors.

6. **IF** a People thro' their own Industry, or the prodigality of their Lords, come to acquire Liberty; if a few by their Industry, or thro' the folly or slothfulness of the People, come to eat them out, and make themselves Lords; if one Lord by his Power or his Virtue, or thro' their Necessity, their Wisdom, or their Folly, can overtop the rest of these Lords, and make himself King, all this was fair play and upon the square.

7. *REASON of State*, if we speak of it as fair play, is foreign or domestick.

8. *REASON of State*, which is foreign, consists in balancing, foreign Princes and States in such a manner, as you may gain upon them, or at least that they may not gain upon you.

9. *REASON of State*, which is domestick, is the Administration of a Government (being not usurp'd) according to the Foundation and Superstructures of the same, if they be good, or so as not being good that they may be mended, or so as being good or bad they may be alter'd; or, the Government being usurp'd, the *Reason of State*, then is the way and means whereby such a Usurpation may be made good or maintain'd.

10. *REASON of State*, in a Democracy which is rightly founded and rightly order'd, is a thing of great facility, whether in a foreign or in a domestick relation. In a foreign, because one good Democracy, weighing two or three of the greatest Princes, will easily give the balance abroad at its pleasure; in a domestick, because it consists not of any
more

more than giving such a stop in accumulation that the State comes not to be Monarchical: which one Reason of State being made good, all the rest goes well; and which one Reason of State being neglected, all the rest comes in time to infallible ruin. Chap. X.

11. REASON of State in a Democracy, which is not right in its Foundations, may flourish abroad, and be one: but at home will languish or be two Reasons of State, that is, the Reason of the State or Orders of the Nobility, which is to lord it over the People; and the Reason of the popular State or Order, which is to bring the Commonwealth to equality: which two Reasons of State, being irreconcilable, will exercise themselves against one another, first by Disputes, then by Plots, till it comes at last to open Violence, and so to the utter ruin of the Common-wealth, as it happen'd in *Rome*.

12. REASON of State in an absolute Monarchy (whether Foreign or Domestic) is but threefold; as first, to keep its Military Farmers or *Timariots* to the first Institution; next to cut him that grows any thing above his due Stature, or lifts up his head above the rest, by so much the shorter; and last of all to keep its Arms in exercise.

13. IN Aristocratical Monarchy Reason of State (as to the whole) is but one thing, that is, to preserve the Counterpoise of the King and the two or the three, or the four Estates: For in some Countries, as in *Poland*, there are but two Estates, the Clergy and the Nobility; in others, as in *Sweden*, there are four, the Nobility, the Gentry, the Clergy, and the Commons; in most others there are but three, the Lords Spiritual, the Lords Temporal, and the Commons.

14. IN Aristocratical Monarchy Reason of State (as to the parts) is a multifarious thing, every State having its peculiar Reason of State, and the King also his Reason of State: with the King it is to balance the Nobility, that he may hold them under; Reason of State with the Nobility is to balance the King, lest he should grow absolute; Reason of State both with the King and the Nobility is to keep down the People; and Reason of State with the People is to drive at their Liberty.

15. IN Forms that are pure, or in Governments that have no more than an absolute Prince or one State, as absolute Monarchy and equal or pure Democracy, there is but one Reason of State, and that is to preserve the Form intire. In Forms that are mix'd (as in an unequal Common-wealth where there are two Estates, and in Aristocratical Monarchy where there is a King and two if not three Estates) there are so many Reasons of State to break the Form, that there has not been any unequal Common-wealth which either the People have not brought to Democracy, or the Nobility to Monarchy. And scarce was there any Aristocratical Monarchy, where (to omit the Wars of the Nobility with their King, or among themselves) the People have not driven out the King, or where the King has not brought the People into Slavery. Aristocratical Monarchy is the true Theatre of Expedient-mongers and Stateemperics, or the deep Waters wherein that Leviathan the Minister of State takes his pastime.

16. THE Complaint that the Wisdom of all these latter times in Princes Affairs consists rather in fine deliveries and shiftings of Dangers or Mischiefs when they are near, than in solid and grounded courses to keep them off, is a Complaint in the Streets of Aristocratical Monarchy; and not to be remedy'd, because the Nobility being not bro-

Chap. X. ken, the King is in danger, and the Nobility being broken, the Monarchy is ruin'd.

17. AN Absurdity in the form of the Government (as that in a Monarchy there may be two Monarchs) shoots out into a mischief in the Administration, or some wickedness in the Reason of State, as in ROMULUS's killing of REMUS, and the monstrous Associations of the *Roman* Emperors.

18. USURPATION of Government is a Surfeit that converts the best Arts into the worst: *Nemo unquam imperium flagitio acquistum bonis artibus exercuit.*

19. AS in the privation of Virtue, and in Beggary, men are Sharks or Robbers, and the reason of their way of living is quite contrary to those of Thrift; so in the privation of Government, as in Anarchy, Oligarchy, or Tyranny, that which is Reason of State with them is directly opposite to that which is truly so: whence are all those black Maxims set down by some Politicians, particularly MACHIAVEL in his *Prince*, and which are condemn'd to the fire even by them, who, if they liv'd otherwise, might blow their fingers.

20. WHERE the Government from a true Foundation rises up into proper Super-structures or Form, the Reason of State is right and streight; but give our Politician peace when you please, if your House stands awry, your Props do not stand upright.

21. TAKE a Jugler, and commend his Tricks never so much, yet if in so doing you shew his Tricks you spoil him; which has been and is to be confess'd of MACHIAVEL.

22. CORRUPTION in Government is to be read and consider'd in MACHIAVEL, as Diseases in a man's Body are to be read and consider'd in HIPPOCRATES.

23. NEITHER HIPPOCRATES nor MACHIAVEL introduc'd Diseases into man's Body, nor Corruption into Government, which were before their times; and seeing they do but discover them, it must be confess'd that so much as they have done tends not to the increase but the cure of them, which is the truth of these two Authors.

POLITICAL APHORISMS.

Obsequium amicos, veritas odium parit. Terent.

1. **T**HE Errors and Sufferings of the People are from their Governors.
2. **W**HEN the Foundation of a Government comes to be chang'd, and the Governors change not the Superstructures accordingly, the People become miserable.
3. **T**HE Monarchy of *England* was not a Government by Arms, but a Government by Laws, tho' imperfect or ineffectual Laws.
4. **T**HE later Governments in *England* since the death of the King have been Governments by Arms.
5. **T**HE People cannot see, but they can feel.
6. **T**HE People having felt the difference between a Government by Laws and a Government by Arms, will always desire the Government by Laws, and abhor that of Arms.
7. **W**HERE the Spirit of the People is impatient of a Government by Arms, and desirous of a Government by Laws, there the spirit of the People is not unfit to be trusted with their Liberty.
8. **T**HE spirit of the People of *England*, not trusted with their Liberty, drives at the restitution of Monarchy by Blood and Violence.
9. **T**HE Spirit of the People of *England*, trusted with their Liberty, if the Form be sufficient, can never set up a King; and if the Form be insufficient (as a Parliament with a Council in the intervals, or two Assemblies co-ordinate) will set up a King without Blood or Violence.
10. **T**O light upon a good Man, may be in Chance; but to be sure of an Assembly of good Men, is not in Prudence.
11. **W**HERE the Security is no more than personal, there may be a good Monarch, but can be no good Common-wealth.
12. **T**HE necessary Action or Use of each thing is from the nature of the Form.
13. **W**HERE the Security is in the Persons, the Government makes good men evil; where the Security is in the Form, the Government makes evil men good.
14. **A**SSEMBLYS legitimately elected by the People, are that only Party which can govern without an Army.
15. **N**OT the Party which cannot govern without an Army, but the Party which can govern without an Army, is the refin'd Party, as to this intent and purpose truly refin'd; that is, by Popular Election, according to the Precept of MOSES, and the Rule of Scripture:
Take

Chap. V. *Take ye wise men, and understanding, and known among your Tribes, and I will make them Rulers over you.*

16. THE People are deceiv'd by Names, but not by things.

17. WHERE there is a well order'd Common-wealth, the People are generally satisfy'd.

18. WHERE the People are generally dissatisfy'd, there is no Common-wealth.

19. THE Parties in *England* declaring for a Common-wealth, hold every one of them something that is inconsistent with a Common-wealth.

20. TO hold that the Government may be manag'd by a few, or by a Party, is inconsistent with a Common-wealth; except in a Situation like that of *Venice*.

21. TO hold that there can be any National Religion or Ministry without public Indowment and Inspection of the Magistracy, or any Government without a National Religion or Ministry, is inconsistent with a Common-wealth.

22. TO hold that there may be Liberty, and not Liberty of Conscience, is inconsistent with a Common-wealth that has the Liberty of her own Conscience, or that is not Popish.

23. WHERE Civil Liberty is intire, it includes Liberty of Conscience.

24. WHERE Liberty of Conscience is intire, it includes Civil Liberty.

25. EITHER Liberty of Conscience can have no security at all, or under Popular Government it must have the greatest security.

26. TO hold that a Government may be introduc'd by a little at once, is to wave Prudence, and commit things to Chance.

27. TO hold that the Wisdom of God in the formation of a House or of a Government, goes not universally upon natural Principles, is inconsistent with Scripture.

28. TO hold that the Wisdom of Man in the formation of a House, or of a Government, may go upon super-natural Principles, is inconsistent with a Common-wealth, and as if one should say, God ordain'd the Temple, therefore it was not built by Masons; he ordain'd the Snuffers, therefore they were not made by a Smith.

29. TO hold that Hirelings (as they are term'd by some) or an indow'd Ministry, ought to be remov'd out of the Church, is inconsistent with a Common-wealth.

30. NATURE is of GOD.

31. SOME part in every Religion is natural.

32. A UNIVERSAL Effect demonstrates a universal Cause.

33. A UNIVERSAL Cause is not so much natural, as it is Nature it self.

34. EVERY man, either to his terror or consolation, has some sense of Religion.

35. MAN may rather be defin'd a religious than a rational Creature; in regard that in other Creatures there may be something of Reason, but there is nothing of Religion.

36. GOVERNMENT is of human Prudence, and human Prudence is adequate to man's Nature.

37. THE Prudence or Government that is regardless of Religion, is not adequate nor satisfactory to man's Nature.

38. WHERE

38. WHERE the Government is not adequate or satisfactory to man's Nature, it can never be quiet or perfect.

39. THE major part of Mankind gives it self up in the matter of Religion to the publick leading.

40. THAT there may be a publick leading, there must be a National Religion.

41. WHERE the minor part takes away the National Religion, there the major part is deprived of Liberty of Conscience by the minor.

42. WHERE the major part is deprived of Liberty of Conscience by the minor, there they will deprive the minor of that Liberty of Conscience which they might otherwise enjoy.

43. IN *Israel* there was an endow'd Clergy or Priesthood, and a National Religion under inspection of the Magistrate: whence the *Christians* in Apostolick Times, defraying their own Ministry, could have Liberty of Conscience; whereas if the *Christians* by going about to take away Tithes, and abolish the National Religion, had endeavour'd to violate the Consciences of the unconverted *Jews*, these being far greater in number, must needs have taken away the Liberty of Conscience from the *Christians*.

44. PAUL in *Athens* could freely and undisturbedly convert DIONYSIUS and others; therefore in *Athens* there was Liberty of Conscience; but if PAUL and his Converts had gone about to drive Hirelings, or an endow'd Priesthood or Clergy out of that Church, who sees not that the *Athenians* would have driven PAUL and his Converts out of *Athens*?

45. THAT there may be Liberty of Conscience, there must be a National Religion.

46. THAT there may be a National Religion, there must be an endow'd Clergy.

47. COMMON-WEALTHS have had three ways of Union. As the *Athenians*, by bringing their Confederates to subjection: As the United Provinces by an equal League: or as the *Romans* by an inequal League. The first way is tyrannical. In the second, one Commonwealth under the League is no more than another, and each one as to herself has a Negative: which kind of Union is not only obstructive, but tends (as we have seen both in *Holland* and *Switzerland*) towards Division. In the third way, the Commonwealth uniting other Commonwealths, retains to her self the leading of the whole League, leaving to each of the rest her own Laws, and her own Liberty.

48. TILL a Commonwealth be first fram'd, how such a Commonwealth should make an effectual Union with another Nation, is not possible to be seen.

49. THE new, unpractis'd, and heretofore unheard Union (as it is vulgarly spoken) with *Scotland*, by uniting Deputies of divers Nations, not in a Council apart, or by way of States General, as in the United Provinces, but in the standing Councils of some one Commonwealth in the League, is destructive to Liberty both in *England* and in *Scotland*.

50. IF the Commonwealth of *England* receives Deputies from *Scotland* in a greater number than that of her own, she receives Law from a foreign Interest, and so loses her own Liberty.

51. If *Scotland* be received in an equal number, it obstructs the freedom of both, or occasions War or Dissension.

52. IF *Scotland* be receiv'd in an inferior number, she receives Law from *England*, and so loses her Liberty. The like is understood of *Ireland*.

53. WHEREAS a well order'd Common-wealth should give the Balance to her Confederates, and not receive it from them; the Councils, in which divers others are thus united, tho' in a far inferior number of Deputies, yet if these lie in wait, or lay their heads together, may be over-rul'd, obstructed, or over-balance'd by foreign Interests.

54. WHERE Countries are divers in their Laws, and yet are to receive Laws one from the other, neither the Common-wealth giving Law, knows what to give, nor the Common-wealth receiving Law, understands what she receives: in which case the Union returns to force or Confusion.

55. THE best way of holding a Nation different or not different in Laws, is the *Roman*, that is, by way of Province.

56. A PROVINCE, especially if she has strong holds, may, by defraying of a small Guard, be kept to a just League, and for the rest enjoy her own Laws, her own Government, and her perfect Liberty. Other ways of Union will be found more chargeable, and less effectual, on both sides: for if *England* has no Army in *Scotland*, *Scotland* will receive no Law from *England*; and if *England* has an Army there, her hold consists not in the Union, but in the Force. The like is to be understood of *Ireland*.

57. IF a Country be very small, and not able to subsist of itself, as *Wales*, it may be safely united and held: but the advantage that *Wales* has in participation of all Magistracies and Offices, is not that which *England* is able to afford to such a Country as *Scotland*, without subjecting her neck to the yoke.

58. THE order of a Common-wealth requires, that it consists, first, of a Civil; secondly, of a Religious; thirdly, of a Military; and fourthly, of a Provincial part. The manner of uniting Provinces or different Nations, pertains to the last part; and in the formation of a Common-wealth, to begin with that first, which is naturally last, is to invert the Order, and by consequence the Common-wealth it self, which indeed is nothing but Order.

59. WHERE there can be any other Government, there can be no Common-wealth.

60. WHERE there can be a Common-wealth, what Tumults soever there happen, and which soever prevail, there can be no other Government; that is to say, without foreign Invasion, which throughout I must be understood to except.

61. IF Sir GEORGE BOOTH had prevail'd, he must either have introduced a Common-wealth, or have restored the King.

62. IF the King were restored, he must either govern by an Army, or by Parliaments.

63. A KING governing now in *England* by an Army, would for the same Causes find the same Effects with the late Protector.

64. A KING governing now in *England* by Parliaments, would find the Nobility of no effect at all.

65. A PARLIAMENT, where the Nobility is of no effect at all, is a mere popular Council.

66. A

66. A MERE Popular Council will never receive Law from a King.

67. A MERE Popular Council giving Law to a King, becomes thereby a Democracy, or equal Common-wealth; or the difference is no greater than in the imperfection of the Form.

68. A COMMON-WEALTH or Democracy to be perfect in the Form, must consist especially of such an Assembly, the Result whereof can go upon no Interest whatsoever, but that only which is the common interest of the whole People.

69. AN Assembly consisting of a few, may go upon the Interest of one man, as a King; or upon the Interest of one Party, as that of Divines, Lawyers, and the like; or the Interest of themselves, and the perpetuation of their Government.

70. THE Popular Assembly in a Common-wealth may consist of too few, but can never consist of too many.

71. IN every Common-wealth there has been a Popular Assembly. This in *Israel* at least consisted of twenty four thousand, upon a monthly Rotation. In *Athens*, *Lacedemon*, *Rome*, it consisted of the whole Citizens, that is, of all such as had a right in the Common-wealth, whether they inhabited in City or Country. In *Venice* it consists of about two thousand. In the Province of *Holland* only, which contains eighteen or nineteen Sovereignties, the Popular or resolving Assemblies consist at least of five hundred Persons: these in the whole Union, may amount to five or six thousand; in *Switzerland* I believe they come to a greater number. And the most of these Assemblies have been perpetually extant.

72. IF the Popular Assembly consists of so few, and so eminent Persons as are capable of any orderly Debate, it is good for nothing but to destroy the Common-wealth.

73. IF the Popular Assembly consists of so many, and for the greater part of so mean Persons as are not capable of Debate, there must be a Senate to help this defect.

74. THE Reason of the Senate is, that a Popular Assembly rightly constituted, is not capable of any prudent debate.

75. THE Reason of the Popular Assembly is, that a Senate rightly constituted for Debate, must consist of so few and eminent Persons, that if they have the Result too, they will not resolve according to the Interest of the People, but according to the Interest of themselves.

76. A POPULAR Assembly without a Senate cannot be wise.

77. A SENATE without a Popular Assembly will not be honest.

78. THE Senate and the Popular Assembly being once rightly constituted, the rest of the Common-wealth will constitute it self.

79. THE *Venetians* having slain divers of their Dukes for their Tyranny, and being assembl'd by such numbers in their great Council as were naturally incapable of Debate, pitch'd upon thirty Gentlemen who were call'd *Pregati*, in that they were pray'd to go apart, and, debating upon the Exigence of the Common-wealth, to propose as they thought good to the great Council: and from thence first arose the Senate of *Venice* (to this day call'd the *Pregati*) and the *Great Council*, that is, the Senate and the Popular Assembly of *Venice*. And from these two arose all those admirable Orders of that Common-wealth.

80. THAT

80. THAT a People of themselves should have such an understanding, as when they of *Venice* did institute their *Pregati* or Senate, is rare.

81. THAT a Senate or Council of Governors having supreme Power, should institute a popular Assembly, and propose to it, tho' in all reason it be the far more facile and practicable, is that which is rarer.

82. THE diffusive body of the People is not in a natural capacity of judging; for which cause the whole judgment and power of the diffusive Body of the People must be entirely and absolutely in their collective Bodies, Assemblies or Representatives, or there can be no Common-wealth.

83. TO declare that the Assemblies or Representatives of the People have power in some things, and in others not, is to make the diffusive Body, which is in a natural incapacity of judging, to be in a political capacity of judging.

84. TO bring a natural incapacity of judging to a political capacity of judging, is to introduce Government. To bring a natural incapacity of judging to such a collective or political capacity of judging, as yet necessarily must retain the Interest of the diffusive Body, is to introduce the best kind of Government. But to lay any appeal whatsoever from a political capacity of judging, to a natural incapacity of judging, is to frustrate all Government, and to introduce Anarchy. Nor is Anarchy, whether impos'd or obtruded by the Legislator first, or by the People, or their Demagogues or Incendiaries afterwards, of any other kind whatsoever than of this only.

85. TO make Principles or Fundamentals, belongs not to Men, to Nations, nor to human Laws. To build upon such Principles or Fundamentals as are apparently laid by God in the inevitable necessity or Law of Nature, is that which truly appertains to Men, to Nations, and to human Laws. To make any other Fundamentals, and then build upon them, is to build Castles in the Air.

86. WHATEVER is violent, is not secure nor durable; whatever is secure or durable, is natural.

87. GOVERNMENT in the whole People, tho' the major part were disaffected, must be secure and durable, because it waves Force, to found it self upon Nature.

88. GOVERNMENT in a Party, tho' all of these were well affected, must be insecure and transitory, because it waves Nature, to found it self upon Force.

89. COMMON-WEALTHS, of all other Governments, are more especially for the preservation, not for the destruction, of Mankind.

90. COMMON-WEALTHS, that have been given to cut off their diseas'd Limbs (as *Florence*) have brought themselves to impotence and ruin. Common-wealths that have been given to healing their diseas'd Limbs (as *Venice*) have been healthful and flourishing.

91. *ATHENS* under the Oligarchy of four hundred, was infinitely more afflicted and torn with Distraction, Blood and Animosity of Parties, than is *England*; yet by introduction of a Senate of four hundred, and a Popular Assembly of five thousand, did thereupon, so suddenly as if it had been a Charm, recover Might and Glory. See the

the eighth Book of THUCYDIDES; A Story in these Times most necessary to be consider'd.

92. **TO** leave our selves and Posterity to a farther purchase in Blood or Sweat of that which we may presently possess, enjoy, and hereafter bequeath to Posterity in Peace and Glory, is inhuman and impious.

93. **AS** certainly and suddenly as a good state of health dispels the peevishness and peril of Sickness, does a good state of Government the animosity and danger of Parties.

94. **THE** Frame of a Common-wealth having first been propos'd and consider'd, Expedients (in case such should be found necessary for the safe, effectual, and perfect introduction of the same) may with some aim be apply'd or fitted; as to a House, when the Model is resolv'd upon, we fit Scaffolds in building. But first to resolve upon Expedients, and then to fit to them the Frame of a Common-wealth, is as if one should set up Props, and then build a House to lean upon them.

95. **AS** the chief Expedients in the building of a House are Axes and Hammers; so the chief Expedient in the building of a Government, is a standing Army.

96. **AS** the House which, being built, will not stand without the perpetual noise or use of Axes and Hammers, is imperfect; so is the Government which, being form'd, cannot support it self without the perpetual use of a standing Army.

97. **WHILE** the Civil and Religious parts of a Common-wealth are in forming, there is a necessity that she should be supported by an Army; but when the Military and Provincial parts are rightly form'd, she can have no farther use of any other Army. Wherefore at this point, and not till then, her Armies are by the practice of Common-wealths, upon flighter occasions, to have half pay for life, and to be disbanded.

98. **WHERE** there is a standing Army, and not a form'd Government, there the Army of necessity will have Dictatorian Power.

99. **WHERE** an Army subsists upon the Pay or Riches of a single Person, or of a Nobility, that Army is always monarchical. Where an Army subsists not by the Riches of a single Person, nor of a Nobility, that Army is always popular.

100. **THE** *English* Armies are popular Armies.

101. **WHERE** Armies are popular, and exercise Dictatorian Power in deposing single Persons, and monarchical Assemblies, there can be no greater, nor needs any other Expedient for the introduction of a Common-wealth. Nevertheless to this may be added some such moderate Qualifications as may prune the Common-wealth, not lop off her Branches. Whom these will not satisfy, it is not a Common-wealth, but a Party, that can.

102. **IF** the late King had freely permitted to the People the exercise of the Power inevitably devolv'd upon them by the change of the Balance, he had not been destroy'd. If either of the late single Persons had brought the People into an orderly exercise of the Power devolv'd upon them, he had been great. What Party soever shall hinder the People from the exercise of the Power devolv'd upon them, shall be certainly ruin'd: who or what Party soever shall in-

troduce the People into the due and orderly exercise of the Power devolv'd upon them, shall be forthwith secure and famous for ever.

103. A MAN uses, nourishes, and cherishes his Body, without understanding it; but he that made the Body understood it.

104. THE reason why the Nations that have Common-wealths, use them so well, and cherish them so much, and yet that so few Nations have Common-wealths, is, That in using a Common-wealth, it is not necessary it should be understood; but in making a Common-wealth, that it be understood, is of absolute necessity. *Caput Reipublicæ est nosse Rempub.* CICERO.

105. AS the natural Body of a *Christian* or Saint can be no other, for the frame, than such as has been the natural Body of an *Israelite* or of a Heathen; so the political Bodies or Civil Governments of *Christians* or Saints can be no other, for the frame, than such as have been the political Bodies or civil Governments of the *Israelites*, or of the Heathens.

106. IT shall be as soon found when and where the Soul of a Man was in the Body of a Beast, as when or where the Soul or Freedom natural to Democracy, was in any other Form than that only of a Senate, and an Assembly of the People.

107. IN those things wherein, and so far as Art is directed or limited by the nature of her Materials, it is in Art as in Nature.

108. THAT Democracy, or equal Government by the People, consist of an Assembly of the People, and a Senate, is that whereby Art is altogether directed, limited, and necessitated by the nature of her Materials.

109. AS the Soul of Man can never be in the Body of a Beast, unless God make a new Creation; so neither the Soul or Freedom natural to Democracy in any other Form whatsoever, than that only of a Senate, and a Popular Assembly.

110. THE right Constitution, Coherence, and proper Symmetry of a Form of Government goes for the greater part upon Invention.

111. REASON is of two parts; Invention, and Judgment.

112. JUDGMENT is most perfect in an Assembly.

113. INVENTION is most perfect in one Man.

114. IN one Man, Judgment wants the strength which is in a multitude of Counsellors.

115. IN a multitude of Counsellors, Invention is none at all.

116. THRO' the defect of Invention, the wisest Assemblies in the formation or reformation of Government, have pitch'd upon a sole Legislator.

117. IT is not below the dignity of the greatest Assembly, but according to the practice of the best Common-wealths, to admit of any man that is able to propose to them, for the good of his Country.

118. TO the making of a well order'd Common-wealth, there goes little more of pains or charge, or work without doors, than the Establishment of an equal or apt Division of the Territory, and the proposing of such Election to the Divisions so made, as from an equal Foundation may raise equal Superstructures; the rest being but paper-work, is as soon done, as said or voted.

119. WHERE

119. W H E R E such Elections are propos'd, as being made by the People, must needs produce a well order'd Senate and Popular Assembly, and the People (who, as we have already found by experience, stick not at the like work) elect accordingly; there not the Proposers of any Power in themselves, but the whole People by their peculiar and natural right and power, do institute and ordain their whole Commonwealth.

120. T H E highest earthly Felicity that a People can ask, or God can give, is an equal and well order'd Common-wealth. Such a one among the *Israelites*, was the Reign of GOD; and such a one (for the same reason) may be among *Christians* the Reign of CHRIST, tho' not every one in the *Christian* Common-wealth should be any more a *Christian* indeed, than every one in the *Israelitish* Commonwealth was an *Israelite* indeed.

Seven MODELS of a COMMON-WEALTH:

OR BRIEF

DIRECTIONS

Shewing how a fit and perfect MODEL of
POPULAR GOVERNMENT may be
made, found, or understood.

THERE is nothing more apparent, than that this Nation is greatly disquieted and perplex'd thro' a complication of two Causes: The one, that the present state thereof is not capable of any other Form than that only of a Popular Government; the other, that they are too few who understand what is the Form or Model naturally necessary to a Popular Government, or what is requir'd in that Form or Prudence for the fitting of it to the use of this Nation. For these Infirmities I shall offer some Remedy by a brief Discourse or Direction consisting of two Parts.

THE first shewing those Forms or Models of Popular Government, or of Common-wealths, which have been hitherto extant, whether fit or unfit for the present state of this Nation: The second, shewing a Model or Form of Popular Government fitted to the present state of this Nation. In the first part I shall propose seven Models roughly and generally: In the second one, but more particularly and exactly.

The FIRST PART.

IN every Frame of Government, either the Form must be fitted to the Property as it stands, and this only is practicable in this Nation; or the Property must be alter'd and fitted to the Frame, which without force has been sometimes, but very seldom, practicable in any other Nation. Nevertheless, for the better knowledge of the one way, it will be best to propose in both ways.

THE

THE
FIRST MODEL
OF
POPULAR GOVERNMENT
PROPOS'D.

The Common-wealth of Israel.

THAT the Nobility, the Gentry, and the People, be persuaded to give up their whole Lands to the Common-wealth.

THAT if the whole People shall so give up their Lands, they be divided into twelve equal Precincts, call'd Tribes.

THAT the man of greatest quality in every Tribe have about ten thousand pounds a year given to him and his Heirs, with the hereditary Dignity of Prince of his Tribe.

THAT some ten other men of the next quality under the Prince in every Tribe, have about two thousand pounds a year in the same given to each of them and their Heirs, with the Hereditary Dignity of Patriarchs, or Chief of the Fathers.

THAT the remaining part of the Lands, except forty eight Cities and their Suburbs, be distributed to the whole People equally by Lots.

THAT it be not lawful for any Prince, Patriarch, or other, to sell or alienate his Land, or any part thereof, in such manner, but that upon every fiftieth year, being for this cause a year of *Jubilee*, all Lands within that compass sold or alienated return to the antient Possessors or lawful Heirs.

THAT there be one other Tribe added to the twelve; that this Tribe so added be not local, nor suffer'd to have any Lands at all, except the forty eight Cities above reserv'd, with their Suburbs, that is, with a quantity of Land to each of them, being in depth two thousand Cubits round. That these be settl'd upon them and their Heirs for ever, besides the annual Tithe of the whole Territory, and a piece of Money every year upon every Head under the notion of an Offering, in regard that other Offerings are now unlawful; and that this Tribe consist of Clergy, having one hereditary Archbishop, or High Priest, for the Head and Prince of their Tribe.

THAT there be no other Law than that of the Word of God only; and that the Clergy being best skill'd in this Law, be eligible into all Courts of Justice, all Magistracies and Offices whatsoever.

THAT the Prince of a Tribe, together with one or more Courts, consisting of twenty three Judges elected by the People of that Tribe for life, be the Government of the same.

THAT the People of the twelve local Divisions take by the Ballot wise men and understanding among their Tribes, and of these

constitute a Senate for the whole Common-wealth consisting of seventy Elders for life.

THAT every local Tribe monthly elect two thousand of their own number; and that these Elections amounting in all to four and twenty thousand, assemble at the Metropolis or Capital City, and be the monthly Representative of the People.

THAT the Senate be a standing Judicatory of Appeal from all other Courts, with power to shew the Sentence of the Laws of God.

THAT besides the Law of God, whatever shall be propos'd by the seventy Elders, and resolv'd by the monthly Representative of the People, be the Law of the Land.

A SECOND MODEL OF A COMMON-WEALTH, PROPOS'D.

THAT there be a King without Guards.

THAT the Word or Command of this King be the Law.

THAT this King stirring out of his Palace, it may be lawful for any man to slay him.

IN this Model there wants but Security, that while the People are dispers'd the King can gather no Army, to demonstrate, That either the People must be free, or the King a Prisoner.

A THIRD MODEL OF A COMMON-WEALTH, PROPOS'D.

The Common-wealth of Sparta.

THAT the Nobility, the Gentry, and the People, having upon persuasion given up their Lands to the Public, the whole Territory be divided into one hundred thousand equal Lots, and two more, being each of ten thousand Acres.

THAT the inferior Lots be distributed to the People.

THAT every man possessing a Lot, be a Citizen.

THAT the rest, except only the Children of Citizens, be Servants to, and Tillers of the ground for the Citizens.

THAT there be no profess'd Students.

THAT

THAT no Citizen exercise any Trade, but that of Arms only; and that the use of Money, except it be made of Iron, be wholly banish'd.

THAT there be two Kings hereditary: That each of them possess one of those Lots of ten thousand Acres.

THAT they be Presidents of the Senate, with single Votes; and that in War they have the leading of the Armies.

THAT there be a Senate consisting, besides the Kings, of twenty eight Senators, elected for life by the People.

THAT whatever be propos'd by this Senate to the whole People, or any ten thousand of them, and shall be resolv'd by the same, be the Law.

THAT there be a Court consisting of five annual Magistrates elected by the People; and that this Court have power to bring a King, a Senator, or other, that shall openly or secretly violate the Laws, or invade the Government, to Justice.

A FOURTH MODEL

O F A

COMMON-WEALTH,

P R O P O S ' D .

The Common-wealth of Athens.

THAT there be a Representative of the People, consisting of five thousand.

THAT these annually elect by lot a Senate consisting of four hundred, and a Signory by suffrage consisting of nine annual Princes.

THAT each fourth part of the Senate, for one fourth part of their annual term, be a Council of State.

THAT the Council of State may assemble the Senate, and propose to the same: That the Senate may assemble the People, and propose to them. And that what is propos'd by the Senate, and resolv'd by the People, be the Law.

THAT the executive Power of the Laws made, be more especially committed and distributed in various Functions, and divers Administrations, to the nine Princes.

A F I F T H M O D E L
O F A
C O M M O N - W E A L T H,
P R O P O S ' D.

The Commonwealth of Rome.

THAT the whole Nation be divided into three distinct Orders: the one *Senatorian*, or Nobility; the other *Equestrian*, or Gentry; and the third *Plebeian*, or Popular.

THAT the Equestrian Order be the Cavalry of the Commonwealth, and the Plebeian the Foot.

THAT there be a Senate consisting of the Senatorian Order, and of three hundred Senators for life.

THAT there be two Magistrates elected by the People, for five years term, call'd Censors.

THAT the Censors have power upon cause shewn to remove a Senator out of the Senate; and to elect a Nobleman, or sometimes a Plebeian, thereby made Noble, into the Senate.

THAT there be two annual Magistrates elected by the People, call'd *Consuls*.

THAT the Consuls be Presidents of the Senate, and have the leading of the Armies.

THAT the Senate (as they shall see occasion) may nominate one person to be Dictator for some short term.

THAT the Dictator for his term have Sovereign Power.

THAT there be a Division of the whole People, of what Orders soever into six Classes, according to the valuation of their Estates. For example: That the first Classis consist of all such as have two thousand pounds a year, or upwards; the second of all such as have one thousand pounds a year, or upwards, under two; the third, of all such as have six hundred pounds a year, or upwards, under one thousand; the fourth, of all such as have three hundred pounds a year, or upwards, under six hundred; the fifth, of all such as have under the former proportion; the sixth, of all such as pay no Taxes, or have no Land, and that these be not us'd in Arms.

THAT the Senate propose all Laws to be enacted, to an Assembly of the People.

THAT all Magistrates be elected by the same.

THAT this Assembly of the People consist of the five Classes, in such manner, that if the Votes of the first and second Classes be near equal, the third Classis be call'd; and if these agree not, the fourth be call'd; and so for the rest.

THAT what is thus propos'd by the Senate, and resolv'd by the People, be the Law.

IN this Frame the Senate, by the optimacy of the first and second Classes (which seldom or never disagree) carries all, to the exclusion of the main Body of the People: whence arises continual feud or enmity between the Senate and the People; who consulting apart, introduce Popular Debate, set up some other way of Assembly, as by Tribes, or by Parishes, with more equality of Votes; elect Magistrates of their own, make Decrees binding the Senate or Nobility, endeavour to curb their Power by weakening their Balance, or diminishing their Estates: All these tumultuously, and to the alteration of the Government, with so frequent Changes under so divers shapes, as make a very Proteus of the Common-wealth, till having been all her life time afflicted with Anarchy, she ends her days in Tyranny.

A SIXTH MODEL

O F A

COMMON-WEALTH

PROPOS'D.

The Common-wealth of Venice.

THAT the Sovereign Power be estated upon four thousand select men, to them and their Heirs for ever.

THAT there be a great Council consisting of these four thousand; and that their Sons at five and twenty years of age have right to the same.

THAT the great Council elect one Duke for life: That the Duke have a Royal Palace assign'd, with a Guard, at the States charge, and a Revenue of fifteen hundred pounds a year; and that he bear the Sovereign Dignity of the Common-wealth.

THAT this Duke have six Counsellors annually chosen by the great Council. That he have no power to sign any Writing, tho' in his own Name, nor to do any of his political Functions without his Counsellors. That his Counsellors have power to sign any Writing in the Duke's name, or to do any of his political Functions without him; and that the Duke with these six Counsellors be the Signory of the Common-wealth.

THAT the Signory of this Common-wealth have session and suffrage in all the Councils of the same, with right also to propose to each or any of them, either jointly or severally.

THAT one hundred and twenty elected annually by the great Council, together with other Councils and Magistrates, to whom of course the like Honour is appertaining, be the Senate.

THAT sixteen other Magistrates propos'd by the Senate, and confirm'd by the great Council for the term of six months, be a Council apart, with three weekly Provosts or Proposers, call'd the College.

THAT the Signory may assemble the College, and propose to them; that the College may assemble the Senate, and propose to them;

and that the Senate may assemble the great Council, and propose to them. And that whatever is resolv'd by the Senate, and not contradicted, nor question'd by the great Council, be the Law.

THAT there be a Council of ten elected annually by the great Council; and that this Council of ten, with the Signory, and some of the College, having right of Session and Suffrage in the same, may upon occasion exercise Dictatorian Power in this Common-wealth.

THAT the rest of the People under the Empire of this Common-wealth, be disarm'd, and govern'd by Lieutenants of Provinces. That the Common-wealth have a standing Army of strangers or others, in Discipline and Pay. *And that the City wherein she shall reside, be founded in the Sea, after such a manner, that it can no more be approach'd by a Fleet, than by an Army without a Fleet. Otherwise, this Common-wealth is expos'd both to the Provinces, and to a mercenary Army.*

A SEVENTH MODEL

OF A

COMMON-WEALTH

PROPOS'D.

The Common-wealth of Holland.

THAT the People in every City, and in every Province or County within these three Nations, elect to every City, Province, or County of the same, a matter of twenty, thirty, or forty Magistrates for life. That these Magistrates being so elected, be the Senate of that respective City, Province or County.

THAT the Senates, thus elected, thenceforth have and enjoy the Sovereign Power within their respective Jurisdiction, for ever. That every Senate annually elect two or four Burgomasters or Consuls, to be Presidents of the same. That they also elect seven Magistrates, or present fourteen persons to the Governor of the Province; and that he elect seven. That the seven so elected be Judges, or have the Executive Power of the Laws for their term, and within their respective Jurisdiction.

THAT in case of Affairs of more public and general concern, as War or Peace, levy of Men or Money, and the like, the Governor of the Province give information of the things to be consider'd, to the Nobility, and to the Senates of that Province; therewith appointing a time and place for the Assembly of the States Provincial. That each of the Senates, having debated the matter propos'd, delegate one Consul with some other Senators well inform'd and instructed with their Will and Pleasure, to the Assembly of the States Provincial. That the Nobility of the same Province delegate some of their Order likewise to the Provincial States. That the Delegates both of the Nobility and of the Senates, give the Vote of their Principals according to instruction; and

and that neither the Nobility, nor any Senate or Sovereignty be otherwise bound, than by their own Vote.

THAT the Provincial Estates elect one Magistrate for life, or during pleasure, to be Provincial Governor: That they elect one or more other Magistrates for life, or during pleasure, to be States General.

THAT the States General being elected, and well instructed by their Provinces, have the direction of the whole League: That each give not his own Vote, but the Vote of his Province; and that no Province be otherwise bound, than by her own Vote.

IF these Models (in which I claim to be the first that has laid the whole, and the highest Mysteries of the antient Common-wealths, to the lowest capacity of vulgar Debate) be not all in the mouths of great men, and in Pamphlets, for Chimeras or Utopias, it is great Chance: Yet contain they no less than the whole Revolution of Popular Prudence. Nor is it more certain, that no one of them would fit the present state of this Nation, than that he or they, whose Contemplation and Understanding is not well vers'd in the most, or in the best of these, shall never fit a Model of Popular Government to the present state of this Nation, or of any other. In which assurance, I come to fulfil my promise in the Second Part, or to propose such a Model as is fitted to the present state of this Nation.

THE
SECOND PART,
Proposing a MODEL of a
COMMON-WEALTH
Fitted to the
Present State of this Nation.

BUT so it is ever, that the Humours or Interests of predominant Parties hold themselves to be National: and that which fits them, can never fit a Nation; nor that which fits a Nation, ever fit them. This in the introduction of Government, is always the main difficulty. But where Parties are no better founded, or fitted for Usurpation, than now in England, they are rather to be slighted than consider'd, as those, the stoutest whereof have but given this Example to the rest, that they who in this state of Affairs shall obstruct an equal and well order'd Government, shall but ruin themselves. For which cause it is propos'd:

1. **T**HAT all Citizens, that is, Freemen, or such as are not Servants, be distributed into Horse and Foot. That such of them as have one hundred pounds a year in Lands, Goods, or Money

ney, or above this proportion, be of the Horse; and all such as have under this proportion, be of the Foot.

2. **THAT** all Elders, or Freemen, being thirty years of age or upwards be capable of civil Administration; and that the Youth, or such Freemen as are between eighteen years of age and thirty, be not capable of civil Administration, but of military only, in such manner as shall follow in the military part of this Model.

3. **THAT** the whole native, or proper Territory of the Common-wealth be cast with as much exactness as can be convenient, into known and fix'd Precincts, or Parishes.

4. **THAT** the Elders resident in each Parish annually assemble in the same, for example upon Monday next ensuing the last of *December*: That they then and there elect out of their own number every fifth man, or one man of every five, to be for the term of the year ensuing a Deputy of that Parish; and that the first and second so elected be Overseers, or Presidents for the regulating of all Parochial Congregations, whether of the Elders, or of the Youth, during the term for which they were elected.

5. **THAT** so many Parishes lying nearest together, whose Deputies shall amount to one hundred or thereabouts, be cast into one Precinct call'd the Hundred; and that in each Precinct call'd the Hundred, there be a Town, Village, or place appointed to be the Capital of the same.

6. **THAT** the Parochial Deputies elected throughout the Hundred assemble annually, for example upon Monday next ensuing the last of *January*, at the Capital of their Hundred. That they then and there elect out of the Horse of their number one Justice of the Peace, one Jurymen, one Captain, one Ensign; and out of the Foot of their number one other Jurymen, one High Constable, &c.

7. **THAT** every twenty Hundreds lying nearest, and most conveniently together, be cast into one Tribe; that the whole Territory being after this manner cast into Tribes, some Town or place be appointed to every Tribe for the Capital of the same; and that these three Precincts (that is, the Parish, the Hundred, and the Tribe) whether the Deputies thenceforth annually chosen in the Parishes or Hundreds, come to increase or diminish, remain firm and inalterable for ever, save only by Act of Parliament. *The Tribes are presum'd throughout these Propositions to amount to fifty.*

8. **THAT** the Deputies elected in the several Parishes, together with their Magistrates and other Officers both Civil and military elected in the several Hundreds, assemble or muster annually, for example upon Monday next ensuing the last of *February*, at the Capital of their Tribe for the space of two days.

9. **THAT** this whole Body thus assembl'd, upon the first day of their Assembly elect out of the Horse of their number, one high Sheriff, one Lieutenant of the Tribe, one *Custos Rotulorum*, one Conductor, and two Censors. That the High Sheriff be Commander in chief, the Lieutenant Commander in the second place, and the Conductor in the third place, of this band or Squadron: That the *Custos Rotulorum* be Muster-master, and keep the Rolls; that the Censors be Governors of the Ballot: and that the term of these Magistracies be annual.

10. **THAT**

10. THAT the Magistrates of the Tribe (that is to say, the High Sheriff, Lieutenant, *Custos Rotulorum*, the Censors, and the Conductor, together with the Magistrates and Officers of the Hundreds, that is to say, the twenty Justices of the Peace, the forty Jurymen, the twenty High Constables) be one Troop, or one Troop and one Company apart, call'd the Prerogative Troop or Company. That this Troop bring in and assist the Justices of Assize, hold the Quarter Session in their several Capacities, and perform their other Functions as formerly.

11. THAT the Magistrates of the Tribe (that is to say, the High Sheriff, Lieutenant, *Custos Rotulorum*, the Censors, and the Conductor, together with the twenty Justices elected at the Hundreds) be a Court for the Government of the Tribe call'd the Phylarch; and that this Court proceed in all matter of Government as shall from time to time be directed by Act of Parliament.

12. THAT the Squadron of the Tribe on the second day of their assembly, elect two Knights, and three Burgeses out of the Horse of their number, and four other Burgeses out of the Foot of their number: that each Knight upon election forthwith make Oath of Allegiance to the Common-wealth, or refusing such Oath, the next Competitor in Election to the same Magistracy, making the said Oath, be the Magistrate. The like for the Burgeses. That the Knights thus sworn, have Session in the Senate for the term of three years; and that the Burgeses thus sworn, be of the Prerogative Tribe or Representative of the People for the like term.

13. THAT for the full and perfect institution of the Assemblies mention'd, the Squadron of the Tribe in the first year of the Common-wealth, elect two Knights for the term of one year, two other Knights for the term of two years, and lastly two Knights more for the term of three years; the like for the Burgeses of the Horse first, and then for those of the Foot. And that this Proposition be of no farther use than for the first years Election only.

14. THAT a Magistrate or Officer elected at the Hundred be thereby bar'd from being elected a Magistrate of the Tribe, or of the first day's Election; but that no former Election whatsoever bar a man of the second day's Election at the Tribe, or to be chosen a Knight or Burges. That a man being chosen a Knight or Burges, who before was chosen a Magistrate or Officer of the Hundred, or Tribe, may delegate his former Office or Magistracy in the Hundred, or in the Tribe, to any other Deputy, being no Magistrate nor Officer, and being of the same Hundred, and of the same Order, that is, of the Horse or Foot respectively.

15. THAT the Knights of the annual Election take their places on Monday next ensuing the last of *March* in the Senate; that the like number of Knights whose Session determines at the same time, recede, That every Knight or Senator be paid out of the public Revenue quarterly, one hundred twenty five pounds during his term of Session, and be oblig'd to sit in purple Robes.

16. THAT annually on reception of the new Knights, the Senate proceed to election of new Magistrates and Counsellors. That for Magistrates they elect one General, one Speaker, and two Censors, each for the term of one year, these promiscuously; and that they elect one Commissioner of the great Seal, and one Commissioner of the Treasury, each for the term of three years, and out of the new Knights only.

17. **THAT** the General and the speaker, as Consuls of the Commonwealth, and Presidents of the Senate, be during the term of their Magistracy paid quarterly out of the public Revenue five hundred pounds; that the Insigns of these Magistracies be a Sword born before the General, and a Mace before the Speaker; that they be oblig'd to wear Ducal Robes. And that what is said of the General in this Proposition, be understood only of the General sitting, and not of the General marching.

18. **THAT** the General sitting, in case he be commanded to march, receive Field-pay; and that a new General be forthwith elected by the Senate to succeed him in the House, with all the Rights, Insigns and Emoluments of the General sitting; and this so often as one or more Generals are marching.

19. **THAT** the three Commissioners of the Great Seal, and the three Commissioners of the Treasury, using their Insigns and Habit, and performing their other functions as formerly, have paid quarterly to each of them three hundred seventy five pounds.

20. **THAT** the Censors govern the Ballot; that they be Presidents of the Council for Religion; that each have a silver Wand for the Insign of his Magistracy; that each be paid quarterly three hundred seventy five pounds, and be oblig'd to wear scarlet Robes.

21. **THAT** the General sitting, the Speaker, and the six Commissioners above-said, be the Signory of this Commonwealth.

22. **THAT** there be a Council of State consisting of fifteen Knights, five out of each Order, List, or Election; and that the same be perpetuated by the annual election of five out of the new Knights, or those last elected into the Senate.

23. **THAT** there be a Council for Religion consisting of twelve Knights, four out of each Order, and perpetuated by the annual election of four out of the Knights last elected into the Senate. That there be a Council for Trade, consisting of a like number, elected and perpetuated in the same manner.

24. **THAT** there be a Council of War not elected by the Senate, but elected by the Council of State out of themselves. That this Council of War consist of nine Knights, three out of each Order, and be perpetuated by the annual election of three out of the Last Knights elected into the Council of State.

25. **THAT** in case the Senate add nine Knights more elected promiscuously, or not promiscuously, out of their own number, to the Council of War, the said Council of War be understood by such addition to be Dictator of the Commonwealth for the term of three months and no longer, except by farther Order of the Senate the said Dictatorian Power be prolong'd for a like term.

26. **THAT** the Signory have session and suffrage, with right also jointly or severally to propose both in the Senate, and in all Senatorian Councils.

27. **THAT** each of the three Orders or Divisions of Knights, in each Senatorian Council, elect one Provost for the term of one Week; and that any two Provosts of the same Council so elected, may propose to the same Council for their term, and not otherwise.

28. **THAT** some fair Room, or Rooms well furnish'd and attended, be allow'd at the States charge, for a free and open Academy to all comers, at some convenient hour or hours towards the Evening;

That

That this Academy be govern'd according to the rules of good Breeding, or civil Conversation, by some one or more of the Provosts; and that in this Academy it be lawful for any man, by word of mouth, or by writing, in jest or in earnest, to propose to the Proposers.

29. **T H A T** for Ambassadors in Ordinary, there be four Residences, as *France, Spain, Venice, and Constantinople*; and that every Resident upon election of a new Ambassador in Ordinary, remove to the next Residence in order hereby mention'd, till having serv'd orderly in all the said Residences, he returns home. That upon Monday next ensuing the last of *November*, there be every second year elected by the Senate some fit person, being above twenty five and under thirty five years of age, and not of the Senate, nor of the Popular Assembly. That the Party so elected repair on Monday next ensuing the last of *March* following, as an Ambassador in Ordinary to the Court of *France*, and there reside for the term of two years to be computed from the first of *April* next ensuing his election. That every Ambassador in Ordinary be allow'd three thousand pounds a year during the term of his Residences. And that if a Resident comes to die, there be an extraordinary Election into his Residence for his term, and for the remainder of his removes and progress.

30. **T H A T** all emergent Elections be made by scrutiny, that is by a Council, or by Commissioners proposing, and by the Senate resolving in the manner following: That all Field Officers be propos'd by the Council of War: That all Ambassadors Extraordinary be propos'd by the Council of State: That all Judges and Serjeants at Law be propos'd by the Commissioners of the Great Seal: That all Barons and Officers of trust in the Exchequer be propos'd by the Commissioners of the Treasury; and that such of these as are thus propos'd to, and approv'd by the Senate, be held lawfully elected.

31. **T H A T** the cognizance of all foreign Negotiation, and of all matter of State to be consider'd, or Law to be enacted, whether Provincial or National, Domestic or Foreign, pertain to the Council of State. That all such Affairs of like kind as the Council of State shall judge fit to be carry'd with more than ordinary secrecy, be committed by them, and pertain to the cognizance and trust of the Council of War, to this end consisting of a select Part, or Committee of the Council of State. That the Cognizance and Protection both of the National Religion, and of the Liberty of Conscience, equally establish'd in this Nation, after the manner provided in the religious part of this Model, pertain to the Council for Religion. That all matter of Traffic, and regulation of the same pertain to the Council for Trade. That in the exercise of these several Functions, each being naturally Senatorian or Authoritative only, no Council assume any other Power than such only as shall be particularly or expressly stated upon the same by Act of Parliament.

32. **T H A T** what shall be propos'd to the Senate by any one or more of the Signory, or of the Proposers General; or whatever was propos'd by any two of the Provosts, or particular Proposers to their respective Council, and upon debate at that Council shall come to be propos'd by the same to the Senate, be necessarily debatable, and debated by the Senate.

33. **T H A T** in all cases wherein Power is deriv'd to the Senate by Law made, or by Act of Parliament, the result of the Senate be ultimate:

That

That in all cases of Law to be made, or not already provided for by Act of Parliament, as some particular Peace or War, levy of Men or Money, or the like, the Result of the Senate be not ultimate, but preparatory only, and be propos'd by the Senate to the Prerogative Tribe, or Assembly of the People, except only in cases of such speed or secrecy, wherein the Senate shall judge the necessary slowness or openness of like proceeding to be of detriment or danger to the Common-wealth.

34. **THAT** if upon the motion or proposition of a Council, or Proposer General, the Senate add nine Knights, promiscuously or not promiscuously chosen out of their own number, to the Council of War, the said Council of War be thereby made Dictator, and have power of Life and Death, as also to enact Laws in all cases of speed or secrecy, for and during the term of three months and no longer, except upon new Order from the Senate: And that all Laws enacted by the Dictator, be good and valid for the term of one year, and no longer, except the same be propos'd by the Senate, and resolv'd by the People.

35. **THAT** the Burgeesses of the annual Election return'd by the Tribes, enter into the Prerogative Tribe on Monday next ensuing the last of *March*; and that the like number of Burgeesses whose term is expir'd, recede at the same time. That the Burgeesses thus enter'd, elect to themselves out of their own number two of the Horse, one to be Captain, and the other to be Cornet of the same; and two of the Foot, one to be Captain, the other to be Ensign of the same, each for the term of three years. That these Officers being thus elected, the whole Tribe or Assembly proceed to the election of four annual Magistrates, two out of the Foot to be Tribunes of the Foot, and two out of the Horse to be Tribunes of the Horse. That the Tribunes be Commanders in chief of this Tribe so far as it is a Military Body, and Presidents of the same as it is a Civil Assembly. And lastly, that this whole Tribe be paid weekly as follows: to each of the Tribunes of the Horse seven pounds, to each of the Tribunes of the Foot, six pounds, to each of the Captains of Horse five pounds, to each of the Captains of Foot four pounds; to each of the Cornets three pounds, to each of the Ensigns two pounds seven shillings; to every Horseman one pound ten shillings, and to every one of the Foot one pound.

36. **THAT** inferior Officers, as Captains, Cornets, Ensigns, be only for the Military Discipline of the Tribe. That the Tribunes have Session in the Senate without Suffrage: That of course they have Session and Suffrage in the Dictatorian Council, so often as it is created by the Senate. That in all cases to be adjudg'd by the People they be Presidents of the Court or Judicatory.

37. **THAT** Peculate or Defraudation of the Public, and all Cases or Crimes tending to the subversion of the Government, be triable by the Prerogative Tribe or the Assembly of the People; and that to the same there lie an Appeal in all Causes, and from all Courts, Magistrates, or Councils, National or Provincial.

38. **THAT** the right of Debate, as also of proposing to the People, be wholly and only in the Senate, without any power at all of Result not deriv'd from the People and estated upon the Senate by act of Parliament.

39. **THAT** the power of Result be wholly and only in the People, without any right at all of Debate.

40. **THAT**

40. THAT the Senate having debated and agreed upon a Law to be propos'd, cause promulgation of the said Law to be made for the space of six weeks before Proposition; that is, cause the Law to be written fair, and hung up for the time aforesaid in some of the most eminent places of the City, and of the Suburbs.

41. THAT promulgation been made, the Signory demand of the Tribunes sitting in the Senate, an Assembly of the People. That the Tribunes upon such demand of the Signory, or of the Senate, be obliged to assemble the Prerogative Tribe in Arms by sound of Trumpet, with Drums beating, and Colours flying, in any Town, Field, or Market-place, being not above six miles distant upon the day, and at the Hour appointed, except the meeting, thro' inconvenience of the Weather, or the like, be prorogued by consent of the Signory and of the Tribunes. That the Prerogative Tribe being assembl'd accordingly, the Senate propose to them by two or more of the Senatorian Magistrates thereto appointed, at the first promulgation of the Law. That the Proposers for the Senate open to the People the occasion, motives, and reasons of the Senate for the Law to be propos'd; and that the same being done, they put the Law or Proposition by distinct clauses to the Ballot of the People. That if any material Clause or Clauses of the Proposition, or Law so propos'd, be rejected by the People, the Clause or Clauses so rejected may be review'd, alter'd, and propos'd again to the third time, if the Senate think fit, but no oftner.

42. THAT what is thus propos'd by the Senate, and resolv'd by the People, be the Law of the Land, and no other, except what is already receiv'd as such, or reserv'd to the Dictatorian Council.

43. THAT every Magistracy, Office, or Election throughout this whole Common-wealth, whether annual or triennial, be understood of course or consequence to enjoin an interval or vacation equal to the term of the same. That the Magistracy or Office of a Knight, and of a Burgefs, be in this relation understood as one and the same; and that this order regard only such Elections as are National or Domestick, and not such as are foreign, or contain'd in the Provincial part of this Model.

44. THAT for an Exception from this Rule, where there is but one Elder of the Horse in one and the same Parish, that Elder be eligible in the same without interval; and where there be above four Elders of the Horse in one and the same Parish, there be not above half, nor under two of them eligible at the same Election.

45. THAT throughout all the Assemblies and Councils of this Common-wealth, the *Quorum* consist of one half in the time of health and of one third part in a time of sickness, being so declar'd by the Senate.

THE use of the Ballot, being as full of prolixity and abstruseness in writing, as of dispatch and facility in practice, is presum'd throughout all Elections and Results in this Model, and for the rest refer'd rather to practice than writing. There remain the Religious, Military and Provincial parts of this Frame: But the Civil part being approv'd, they follow, or being not approv'd, may be spar'd.

CONCLUSIONS,

Or, the Use of these

PROPOSITIONS.

TH E S E Propositions are so laid out to debate or examination, that a man having the mind to weigh, discourse upon, or object against this Model, may do it in the parts with the greatest convenience.

A N Y examination of, or objection against the whole, or any part in print or in writing, the Author holds himself bound to acknowledge or answer: But as to mere discourse upon matters of this compass, it is usually narrow; besides that in writing a man must put himself upon better aim than he can be oblig'd to take in discourse.

A N Y one objection lying in writing against any one Order in this part of the Model, after such manner as to shew that the Part or Order so invaded ought to be expunged, altered or amended, unless it may be expunged, altered, or amended accordingly, destroys the whole.

A N D any one or more Objections so lying against any one or more of these Orders or Propositions, that thereby they may be expunged, altered or amended, must in the whole or in part make a better Model.

I N this Case therefore, or in case no Objection lies, the use of these Propositions will be such, as thereby any Man, or any Assembly of Men, considering or debating upon them in order, may find or make a true Model of a well-ordered Common-wealth.

A N D that an Assembly can never make or frame a Model of any Government otherwise than in some such manner, is provable first by a demonstration from the effect; and secondly by a demonstration from the cause.

T H E demonstration from the Effect is, that an Assembly no otherwise frames a Law or Order, than by having it first pen'd by some one man, and then judging upon it; and the Model of a Common-wealth must consist of many Laws or Orders.

T H E demonstration from the Cause is, that whereas Reason consists of two parts, the one Invention, and the other Judgment, a Man may be as far beyond any Assembly for Invention, as any Assembly can be beyond a Man for Judgment; or which is more, that the formation of a Model of Government requires a strong faculty of Invention, and that an Assembly is naturally void of all manner of Invention.

*Nov. 13.
1658.*

THE

T H E

WAYS and MEANS

Whereby an Equal and Lasting

COMMON-WEALTH,

May be suddenly introduced, and perfectly founded,
with the free Consent and actual Confirmation of the
Whole People of *England*.

Scire tuum nihil est, nisi te scire hoc sciat alter. Perf.

A WORD fitly spoken is like Apples of Gold in Pictures of Silver.

THE Desire of the People of *England* now runs strongly to have a free Parliament.

LET there be a free Parliament.

TO the end that the People may be most equally represented, or that the Parliament may be freest,

LET there be a new Division of *England* and *Wales*, with as much equality as may stand with convenience, into fifty Shires.

LET every Shire elect annually two Knights to be of one House, and seven Deputies to be of another House of Parliament, for the term of three years. For the first year only, let the Deputies in each Division be elected triple, that is seven for the term of one year, seven for the term of two years, and seven for the term of three years. The like for the Knights, save only that the present Parliament remain; that is, let two Knights in each Division be elected the first year only for the term of one year, two other Knights at the same time for the term of two years; and let the present Parliament be the triennial part of the Knights House for the first Election.

THE House of Knights and the House of Deputies being assembled, let the House of Knights debate and propose.

LET what is proposed by the House of Knights, be promulgated for the space of six weeks.

PROMULGATION being thus made, let the House of Deputies meet, and give their Result upon the Proposition.

LET what was thus proposed by the Senate or House of Knights, and resolv'd by the People or House of Deputies, be the Law.

IN this Constitution these Councils must of necessity contain the Wisdom, and the Interest of the Nation.

IN this method, Debate must of necessity be mature.

I F

IF it be according to the Wisdom and the Interest of the Nation upon mature debate that there be a King, let there be a King.

IF it be according to the Wisdom and the Interest of the Nation upon mature debate, that there be a Common-wealth; two Assemblies in this Order are actually a Common-wealth, and so far a well order'd Common-wealth, that they are capacitated and inclin'd to reach to themselves whatever furniture shall be further necessary in more particular Orders, which also is at hand.

TILL this or the like be done, the Line of the late King and the People must be fellow-sufferers; in which case the impatience of the People must be for the restitution of that Line at all Adventures.

BUT this or the like being once done, immediately the Line of the late King and the People become Rivals, in which case they will never restore Monarchy.

WILL never, may some say? But if the Senate and the Popular Assembly be both Royalists, they both will and can restore Monarchy.

THO' both Royalists, they neither will nor can: for let them, that look no further than home or self, say what they will, to affirm that a Senate and a Popular Assembly thus constituted can procreate Monarchy, is to affirm that a Horse and a Mare can generate a Cat; that Wheat being rightly sown may come up Pease; or that a River in its natural channel may run upwards.

IN the present case of *England*, Common-wealthsmen may fail thro' want of Art, but Royalists must fail thro' want of Matter; the former may miss thro' impotence, the latter must thro' impossibility. Or where the State is purely popular, that is, not overbalanc'd by a Lord or Lords; let there be one Example, or one Reason given that there is, was, or ever can be Monarchy. There will be this when all fails, for the after-game, tho' the work should fall, as is like enough, into the hands of Royalists.

CERTAIN it is, that where any private Citizen or Freemen might not (some way or other) propose, there never was a well order'd Common-wealth.

Upon this encouragement I offer'd this Paper to good hands, but it was (according to custom) thrown after me.

SO it went in the Protector's time, in every Revolution since. *La fortuna accieca gli animi de gli huomini*; but that is Atheism, that's MACHIAVEL.

WELL, but now says the Protectorian Family, O that we had set up the equal Common-wealth! So say broken Parliaments and Statesmen; so say the sadly mistaken Sectaries; so say the cashier'd Officers; so says he that would have no nay, but Oligarchy was a good word; and so will more say after these, except they learn to say after another, *Aut reges non exigendi fuerunt, aut plebi re, non verbo, danda libertas*; either the Kings ought not to have been driven out, or the People to have their Liberty not in word, but in deed: but that is Heathenism, that's CICERO; well this is *Christian*, if there will be no such saying, I would there might be no swearing.

Feb. 6. 1659.

THE HUMBLE
PETITION

Of divers well affected

PERSONS,

Deliver'd the 6th Day of *July*, 1659.

With the PARLIAMENT's Answer thereto.

TO THE
SUPREME AUTHORITY,

THE

Parliament of the Common-wealth of *England*;
The Humble Petition of divers well affected Persons,

S H E W S,

THAT your Petitioners have for many years observ'd the breathings and longings of this Nation after Rest and Settlement, and that upon mistaken grounds they have been ready even to sacrifice and yield up part of their own undoubted right, to follow after an appearance of it.

AND your Petitioners do daily see the bad effects of long continu'd Distractions, in the ruins and decays of Trade foreign and domestic, and in the advantages that are taken to make Confederacies to involve the Nation in Blood and Confusion, under pretence of procuring a Settlement.

THAT it has been the practice of all Nations, on the subversion of any form of Government, to provide immediately a new Constitution suitable to their condition; with certain Successions and Descents, that so both their Law-givers and Magistrates might use their several Trusts, according to the establish'd Constitution; and the Peoples minds be settl'd secure, and free from attempts of introducing several forms of Government, according to the variety of their Fancies, or corrupt Interests.

THAT God has preserv'd this Nation wonderfully without example many years, since the dissolution of the old form of Government by King, Lords and Commons; there having been no fundamental Constitutions of any kind duly settl'd, nor any certain Succession pro-

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vided for the Legislative Power ; but even at this instant, if by any sudden sickness, design, or force, any considerable numbers of your Persons should be render'd incapable of meeting in Parliament, the Common-wealth were without form of successive Legislature or Magistracy, and left to the mercy of the strongest Faction. Yet we have reason to remember in these years of unsettlement, the inexpressible sufferings of this Nation in their Strength, Wealth, Honour, Liberty, and all things conducing to their wel-being ; and we have like reason now sadly to apprehend the impending ruin. And we cannot discern a possibility of your Honours unanimous and expeditious proceedings towards our Countries preservation, and relief from its heavy pressures, while your minds are not settl'd in any known Constitution of Government or fundamental Orders; according to which, all Laws should be made : but divers or contrary Interests may be prosecuted on different apprehensions of the Justice and Prudence of different forms of Government, tho' all with good intentions.

YOUR Petitioners therefore conceiving no remedy so effectual against the present Dangers, as the settlement of the Peoples minds, and putting them into actual security of their Properties and Liberties, by a due establishment of the Constitution under which they may evidently apprehend their certain enjoyment of them ; and thereupon, a return of their Trade and free Commerce, without those continual fears that make such frequent stops in Trade, to the ruin of thousands.

AND your Petitioners also observing, that the Interest of the late King's Son is cry'd up, and promoted daily, upon pretence, that there will be nothing but Confusion and Tyranny, till he come to govern : and that such as declare for a Common-wealth, are for Anarchy and Confusion, and can never agree among themselves, what they would have.

UPON serious thoughts of the Premises, your Petitioners do presume with all humility, and submission to your Wisdom, to offer to your Honours their Principles and Proposals concerning the Government of this Nation : Whereupon, they humbly conceive, a just and prudent Government ought to be establish'd, viz.

1. THAT the Constitution of the Civil Government of England by King, Lords, and Commons, being dissolv'd, whatever new Constitution of Government can be made or settled according to any rule of Righteousness, it can be no other than a wise Order or Method, into which the free Peoples Deputies shall be form'd for the making of their Laws, and taking care for their common safety and welfare in the execution of them : For, the exercise of all just Authority over a free People, ought (under God) to arise from their own Consent.

2. THAT the Government of a free People ought to be so settl'd, that the Governors and Govern'd may have the same Interest in preserving the Government, and each others Properties and Liberties respectively ; that being the only sure foundation of a Common-wealth's Unity, Peace, Strength, and Prosperity.

3. THAT

3. **THAT** there cannot be a Union of the Interests of a whole Nation in the Government, where those who shall sometimes govern, be not also sometimes in the condition of the Govern'd; otherwise the Governors will not be in a capacity to feel the weight of the Government, nor the Govern'd to enjoy the advantages of it: And then it will be the interest of the major part to destroy the Government, as much as it will be the interest of the minor part to preserve it.

4. **THAT** there is no security that the Supreme Authority shall not fall into factions, and be led by their private Interest to keep themselves always in power, and direct the Government to their private advantages, if that Supreme Authority be settl'd in any single Assembly whatsoever, that shall have the intire power of propounding, debating and resolving Laws.

5. **THAT** the Sovereign Authority in every Government, of what kind soever, ought to be certain in its perpetual Successions, Revolutions, or Descents; and without possibility (by the judgment of human Prudence) of a death or failure of its being, because the whole form of the Government is dissolv'd if that should happen, and the People in the utmost eminent danger of an absolute Tyranny, or a War among themselves, or Rapine and Confusion. And therefore where the Government is Popular, the Assemblies in whom reside the Supreme Authority, ought never to die or dissolve, tho' the Persons be annually changing: neither ought they to trust the Sovereign care of the strength and safety of the People out of their own hands, by allowing a Vacation to themselves, lest those that should be trusted be in love with such great Authority, and aspire to be their Masters, or else fear an Account, and seek the dissolution of the Common-wealth to avoid it.

6. **THAT** it ought to be declar'd as a Fundamental Order in the Constitution of this Common-wealth, that the Parliament being the Supreme Legislative Power, is intended only for the exercise of all those Acts of Authority that are proper and peculiar to the Legislative Power; and to provide for a Magistracy, to whom should appertain the whole Executive Power of the Laws: and no Case either Civil or Criminal to be judg'd in Parliament, saving that the last Appeals in all Cases, where Appeals shall be thought fit to be admitted, be only to the Popular Assembly; and also that to them be refer'd the Judgment of all Magistrates in Cases of Male-administrations in their Offices.

AND in prosecution of these Principles,

YOUR Petitioners humbly propose for the settlement of this Common-wealth, that it be ordain'd,

1. **THAT** the Parliament or the supreme Authority of *England*, be chosen by the free People, to represent them with as much equality as may be.

2. **THAT** a Parliament of *England* shall consist of two Assemblies, the lesser of about three hundred, in whom shall reside the intire power of consulting, debating, and propounding Laws: the other, to consist of a far greater number, in whom shall rest the sole power of resolving all Laws so propounded.

3. **THAT**

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3. **THAT** the free People of *England*, in their respective divisions at certain days and places appointed, shall for ever annually choose one third part to each Assembly, to enter into their Authority, at certain days appointed: the same days, the Authority of a third of each of the said Assemblies to cease, only in the laying the first Foundation in this Common-wealth's Constitution: the whole number of both the Assemblies to be chosen by the People respectively, *viz.* one third of each Assembly to be chosen for one year, one third for two years, and one third for three years.

4. **THAT** such as shall be chosen, having serv'd their appointed time in either of the said Assemblies of Parliament, shall not be capable to serve in the same Assembly during some convenient interval or vacation.

5. **THAT** the Legislative Power do wholly refer the execution of the Law to the Magistracy, according to the sixth Principle herein mention'd.

6. **THAT** in respect to Religion and Christian Liberty, it be ordain'd that the Christian Religion by the appointment of all succeeding Parliaments, be taught, and promulgated to the Nation, and public Preachers thereof maintain'd: and that all that shall profess the said Religion, tho' of different Persuasions in parts of the Doctrine, or Discipline thereof, be equally protected in the peaceable profession, and public exercise of the same; and be equally capable of all Elections, Magistracies, Preferments in the Common-wealth, according to the order of the same. Provided always, that the public exercise of no Religion contrary to Christianity be tolerated; nor the public exercise of any Religion, tho' professedly Christian, grounded upon, or incorporated into the Interest of any Foreign State or Prince.

THESE your Petitioners humbly conceive to be the Essentials of the form of a free Common-wealth, which if they were made fit for practice by your Honours appointing the numbers, times, places, and all other necessary circumstances, and settl'd as the fundamental Orders of the Common-wealth, would naturally dispose those that should hereafter be chosen into the Parliaments, from the love of their own interest to seek the common good, being oblig'd by the Constitutions here humbly offer'd to partake with the whole body of the People, of the good or evil that shall happen to the Common-wealth, having no probable temptations or means left to compass any private or factious ends in matters Religious or Civil. And your Petitioners cannot imagine a greater security for the Cause and Interest contended for with such effusion of Blood, than by disposing the free People into this kind of order, whereby the same Cause would become their common Interest. Yet if your Honours should think it necessary or convenient for securing the minds of such as are doubtful and jealous, that the People may betray their own Liberties, there may be inserted into the fundamental Orders of the Common-wealth, these following Expedients, *viz.*

1. **THAT** for securing the Government of this Common-wealth, and of the Religious and Civil freedom of the good People thereof, it may be for ever esteem'd and judg'd Treason against the Common-wealth, for any Member of either Assembly of Parliament, or any other person whatsoever, to move or propose in either of the said Assemblies, the restitution of Kingly Government, or the introduction of any single Person to be chief Magistrate of *England*, or the alteration of that part of the fundamental Order herein contain'd that
concerns

concerns the equal Freedom and protection of Religious persons of different Persuasions.

2. **T H A T** about the number of twelve persons of the most undoubted Fidelity and Integrity, may be authoriz'd and impower'd, for some certain number of years next ensuing, to seize, apprehend, and in safe custody to detain any person or persons whatsoever, till he or they be in due form of Law deliver'd, as is hereafter specify'd, that shall move or propose in either of the said Assemblies of Parliament the restitution of Kingly Government, or the introduction of any single Person to be chief Magistrate of this Common-wealth, or the alteration of that part of the fundamental Order herein contain'd, that concerns the equal freedom and protection of religious persons of different persuasions; but for no other matter or cause whatsoever. And when it shall happen that any person or persons shall be arrested or seiz'd for any of the causes aforesaid, in manner aforesaid, then a Commission of Oyer and Terminer may issue forth in due form of Law to the said twelve, or any six of them, to proceed in due form of Law, within one month after the apprehension of any such person or persons, to the arraignment and publick trial of every such person or persons; and upon the legal conviction of him or them by the testimony of two sufficient Witnesses of any of the Treasons herein declar'd, to condemn to the pains of death, and to cause the same Judgment to be duly executed: and the Keeper or Keepers of the Great Seal of *England* that shall be for the time being, may be authoriz'd and requir'd from time to time during the term of years, to issue out Commissions to the said twelve or any six of them, authorizing them to proceed as aforesaid.

A N D if your Honours shall further judge it convenient, the fundamental Orders of the Government may be consented to or subscrib'd by the People themselves, if their express Pact shall be esteem'd any additional Security; other Nations, upon the like Occasions of expulsion of their Kings, having taken the Peoples Oaths against their returning: And the same may be proclaim'd as often as our Ancestors provided for the proclaiming of *Magna Charta*, and any further security also added, if any can be found among men, that has a foundation in Justice.

N O W your Petitioners, having, with humble Submission to your grave Wisdoms, thus declar'd their apprehensions of the present condition of this distracted Nation, and the only effectual means under God to prevent the impending Mischiefs; They do must humbly pray,

T H A T such speedy considerations may be had of the Premises as the Condition of this Nation requires; and that such a method may be settled for the debating and consulting about the Government, that your wise Results may be seasonable for the healing all the breaches of the Common-wealth, and establishing the sure foundations of Freedom, Justice, Peace, and Unity.

And your Petitioners shall always pray, &c.

Wednesday July the 6th 1659.

THE House being inform'd that divers Gentlemen were at the door with a Petition, they were call'd in, and one of the Petitioners in behalf of himself and the rest said, We humbly present you a Petition, to which we might have had many thousand hands, but the Matter rather deserves your serious Consideration than any publick Attestation; and therefore we do humbly present it to this Honourable House. Which, after the Petitioners were withdrawn, was read, and was intitl'd, *The humble Petition of divers well affected Persons.*

Resolv'd,

T H A T the Petitioners have the Thanks of the House.

T H E Petitioners were again call'd in, and Mr. *Speaker* gave them this Answer.

Gentlemen,

T H E House has read over your Petition, and find it without any private end, and only for the publick Interest; and I am commanded to let you know that it lies much upon them to make such a Settlement as may be most for the good of Posterity; and they are about that work, and intend to go forward with it, with as much expedition as may be. And for your parts they have commanded me to give you thanks: and in their names I do give you the thanks of this House accordingly.

Tho. St. Nicholas Clerk of the Parliament.

PLATO REDIVIVUS:

O R, A

DIALOGUE

CONCERNING

GOVERNMENT,

Wherein, by Observations drawn from other
KINGDOMS and STATES both Antient and
Modern, an Endeavour is used to discover the present
POLITICK DISTEMPER of our OWN,
with the CAUSES, and REMEDIES.

*Non Ego sum Vates, sed Prisci conscius ævi.
Pluribus exemplis hæc tibi Mystra Cano.
Res nolunt male administrari.*

The Third Edition, with Additions.



T H E
P U B L I S H E R
T O T H E
R E A D E R.

Courteous Reader,

ALL the Account I can give thee of this Piece is, that about the Middle of *October* last it was sent to me, accompanied with a Letter without a Name, and written in a Hand altogether unknown to me, though different from the Character of the Dialogue it self, and the Argument. The Letter was very short, and contained only, that the Writer having the Fortune to meet with this Discourse (of which he denied to be the Author) he thought it very fit to be sent to me, to the end if I thought it could be of any Advantage to me, and no Prejudice, I might publish it if I pleased, and make my best of it. When I had opened it, and perceived that it treated of Government, and of the present Times; I supposing it to be something of the Nature of those scurrulous Libels which the Press spawns every Day, was extreamly displeased with my Servant, for receiving in my Absence, and in these dangerous Days, such a Pacquet, without taking any account or notice of the Messenger who brought it: 'till he, to appease me, assured me, that the Bearer did look like a Gentleman, and had a very unsuitable Garb to a Trapan; and that he did believe he had seen him often at my Shop, and that I knew him well. When I had begun to read it, and found no harm, I was resolved to peruse it in the Company of a Gentleman, a worthy Friend of mine; who, to his exact Skill and Learning in the Laws of his Country, hath added a very profound Knowledge in all other Literature; and particularly, the Excellence of *Platonick* Philosophy. When we had jointly gone through it, he was clearly of Opinion, That although some might be angry with certain passages in it, yet the Discourse reflecting upon no particular

particular Person, was very incapable of bringing me into any danger for publishing it; either from the State, or from any private Man. When I had secured my self against *Damnum Emergens*, we went about the Consideration of the other part of the distinction of the Schools, which is *Lucrum cessans*, and I made some Objections against the probability of vending this Dialogue to Profit; which, in things of my Trade, is always my design, as it ought to be. My first Fear in that behalf was, that this Author would disgust the Reader, in being too confident and positive in matters of so high a Speculation. My Friend replied, that the Assurance he shewed was void of all Sawciness, and expressed with great Modesty; and that he verily believed that he meant very faithfully and sincerely towards the Interest of *England*. My next doubt was, that a considerable part of this Treatise being a Repetition of a great many Principles and Positions out of *Oceana*, the Author would be discredited for borrowing from another, and the Sale of the Book hindered. To that my Friend made answer, that before ever *Oceana* came out, there were very many Treatises and Pamphlets, which alledged the Political Principle, *That Empire was founded in Property*, and discoursed rationally upon it: Amongst the rest, one entitled, *A Letter from an Officer in Ireland, to His Highness the Lord Protector*, (which he then shewed me) printed in 1653. as I remember; which was more than three Years before *Oceana* was written: and yet, said he, no Man will aver that the Learned Gentleman who writ that Book had stolen from that Pamphlet. For whosoever sets himself to study Politicks, must do it by reading History, and observing in it the several Turns and Revolutions of Government: and then the Cause of such Change will be so visible and obvious, that we need not impute Theft to any Man that finds it out: it being as lawful, and as easy for any Person, as well as for the *Author* of *Oceana*, or that Pamphlet, to read *Thucydides*, *Polybius*, *Livy* or *Plutarch*: and if he do so with Attentiveness, he shall be sure to find the same things there that they have found. And if this were not Lawful, when that any one Person has written in any Science, no Man must write
after

after him : for in *Polity*, the Orders of *Government* ; in *Architecture*, the several Orders of *Pillars*, *Arches*, *Architraves*, *Cornishes*, &c. In *Physick*, the *Causes*, *Prognosticks* and *Crisis* of *Diseases*, are so exactly the same in all Writers, that we may as well accuse all subsequent Authors to have been but Plagiaries of the Antecedent. Besides this, the Learned Gentleman added, that *Oceana* was written (it being thought Lawful so to do in those times) to evince out of these Principles, that *England* was not capable of any other *Government* than a *Democracy*. And this Author out of the same Maxims, or Aphorisms of Politicks, endeavours to prove that they may be applied naturally and fitly, to the redressing and supporting one of the best *Monarchies* in the *World*, which is that of *England*. I had but one Doubt more, and that was an Objection against the Title, which I resolved at the first not to mention, because I could salve it by altering the Title Page. But since I had Opportunity, I acquainted the Gentleman with it: And it was, That certainly no Man would ever buy a Book that had in Front of it so insolent and presumptuous a Motto as *Plato Redivivus* ; for that he must needs be thought not only vain in the highest degree, but void of Sense and Judgment too, who compares himself with *Plato*, the greatest *Philosopher*, the greatest *Politician* (I had almost said the greatest *Divine* too) that ever lived. My Counsellor told me that he had as great a Resentment of any Injury done to *Plato* as I, or any Man could have. But that he was hard to believe that this Man intended to compare himself to *Plato*, either in Natural Parts or Learning; but only to shew that he did imitate his Way of Writing, as to the manner of it ; (though not the matter) as he hath done exactly. For *Plato* ever writ these high Matters in easy and familiar Dialogues, and made the great Philosophers, and learned Men of that Age ; as *Simias* *Cebes*, *Timæus*, *Callias*, *Phædon*, &c. yea and *Socrates* himself, the *Interlocutors*, although they never heard any thing of it till the Book came out. And although talking of *State Affairs* in a *Monarchy* must needs be more offensive than it was in the *Democracy* where *Plato* lived. And therefore our Author has forborn the naming the
Persons

Persons who constitute this *Dialogue*; yet he does make a pretty near Representation and Character of some Persons, who, I dare swear never heard of this Discourse, nor of the Author's Design. This convinced me, and made me suffer the Title to pass. So that I have nothing more to say to thee, courteous Reader, but to desire thee to pardon the Faults in Printing, and also the plainness and easiness of the Stile, and some Tautologies; which latter I could easily have mended, but that I thought the Author did not let them pass out of neglect, but design: and intended that both they, and the familiarity of the Words and Expressions, suited better with his purpose of disposing this matter to be treated in ordinary Conversation amongst private Friends, than full Periods and starch'd Language would have done; which might have been Impropropriety. The next Request I have to thee is, that if thou dost believe this Discourse to be a very foolish one, as it may be for ought I know (for I am no fit Judge of such matters) that thou wilt yet vouchsafe to suspend thy Censure of it for a while, till the whole Impression is vended: that so, although neither the Publick nor thyself may ever reap any Benefit or Profit by it, I may be yet so fortunate by thy favour as to do it. Which will make me study thy Content hereafter in something better; and in the mean time remain,

Thy Friend and Servant.

The Argument.

A Noble Venetian, not one of the young Fry, but a grave sober person, who had born Office and Magistracy in his own Common-wealth, having been some years since in France with a near Relation of his who was Ambassador at that Court, and finding himself out of Employment, resolved to divert himself by visiting some part of the World which he had never seen; and so passing through Germany, Flanders, and Holland, arrived in England about the beginning of May last, bringing Letters of recommendation to several English Gentlemen, who had been Travellers, and made Friendship in his Country. A Custom usually practised amongst such who travel into any part where they have no habitude or acquaintance. Amongst the rest, he was addressed to one of the Gentlemen who acts a part in this Dialogue: Who after he had waited upon him, and serv'd him for near two Months, had certain necessary occasions, which call'd him for some time into the Country. Where he had not been above three Weeks, before he heard, by meer accident, that the Gentleman of Venice was fallen dangerous sick of a malignant Fever. Which made him post away immediately to London, to assist and serve him in what he might. But he found him almost perfectly restored to his health by an eminent Physician of our Nation, as renowned for his Skill and Cures at home; as for his Writings both here and abroad: And who besides his profound knowledge in all Learning, as well in other Professions as his own, had particularly arriv'd to so exact and perfect a discovery of the formerly hidden parts of human Bodies, that every one who can but understand Latin, may by his means know more of Anatomy than either Hypocrates, or any of the Ancients or Moderns did, or do perceive. And if he had lived in the days of Solomon, that great Philosopher would never have said, Cor hominis inscrutabile. This excellent Doctor being in the sick man's Chamber, when the other English Gentleman, newly alighted, came to visit him. After some Compliments and Conversation of course, they begun to talk of Political Matters, as you will better understand by the Introduction, and by the Discourse it self.

The FIRST DAY.

The INTRODUCTION.

English Gentleman.

THE sudden news I had of your sad distemper, and the danger you were in, has been the cause of a great deal of affliction to me, as well as of my present and speedy repair to *London*, some weeks sooner than I intended: I must confess I receiv'd some comfort to hear at my arrival of your amendment, and do take much more now to find you up, and as I hope recover'd; which I knew would be a necessary consequence of your sending for this excellent Physician, the *Esculapius* of our age, it being the first request I had to make to you, if by seeing him here in your Chamber I had not found it needless.

For the Destiny of us *English*-men depends upon him, and we either live or die Infallibly, according to the Judgement or good Fortune we have, when we are sick, either to call or not call him to our assistance.

Noble Venetian. I am Infinitely obliged to you, for your care of me, but am sorry it has been so inconvenient to you, as to make you leave your Affairs in the Country sooner than you propos'd to your self to do: I wish I might be so fortunate in the course of my Life, as to find an opportunity of making some part of an acknowledgement, for this and all the rest of your favours, but shall pray God it may not be in the same kind; but that your health may ever be so entire, that you never need so transcendent a Charity, as I now receive from your Goodness: And as to this incomparable Doctor; although, I must confess, that all the good which has happen'd to me in this Country, as well as the knowledge I have receiv'd of Persons and Things, does derive from you; yet I must make an exception, as to this one point; for if I can either read, or hear, this Gentleman's excellent Writings, and the Fame he worthily enjoys in my Country, would have made it inexcusable in me, to implore the help of any other; and I do assure you, that, before I left *England*, it was in my Ambition to beg your Mediation towards the bringing me into the acquaintance and favour of this Leaned Person, even before I had any thoughts of becoming the Object of his Care and Skill, as now I am the Trophy of both.

Doctor. Well, Gentlemen, you are both too great to be Flatterers, and I too little to be flattered and therefore I will impute this fine discourse you both make about me, to the overflowing of your Wit, and the having no Object near you to vent it upon but me. And for you, Sir, if my Art fail me not, the voiding this Mirth, is a very good sign that you are in a fair way to a perfect recovery. And for my Countryman here: I hope whilst he has this vent, that his Hypochondriack distemper will be at quiet, and that neither his own thoughts, nor the ill posture of our Publick Affairs will make him hang himself, for at least this twelve Months: only, Gentlemen, pray take notice, that this does not pass upon me, nor do I drink it like Milk (as the *French* phrase it) being mindful of what a grave Gentleman at *Florence* reply'd to a young Esquire, who answer'd his Compliments with, *Oh, Sir, you flatter me, i principi s' adulano i pari vostri si coglionono*; That last word I cannot render well into *Latin*.

English Gentleman. Well, Doctor, we will not offend your Modesty: The next time we do you Justice; it shall be behind your back, since you are so severe upon us. But you may assure your self that my intention of recommending you to this Gentleman, was for his own sake, and not for yours: For you have too many Patients already, and it were much better, both for you and us, that you had but half so many: For then we should have more of your Writings, and sometimes enjoy your good Conversation; which is worth our being sick on purpose for. And I am resolv'd to put my self sometimes into my Bed, and send for you, since you have done coming to our Coffee-House.

But to leave this Subject now, I hear you say, that this Gentleman is in a perfect way of recovery; pray is he well enough to hear, without

out any prejudice to his convalescence, a reprehension I have to make him?

Doct. Yes, yes; you may say what you will to him, for your Remands will rather divert than trouble him, and prove more a Cordial than a Corrosive.

Eng. Gent. Then, Sir, pray consider what satisfaction you can ever make me, for the hard measure you have used towards me, in letting me learn from common Fame, and Fortune, the news of your Sickness, and that not till your recovery; and for depriving me of the opportunity of paying the debt I owe to your own merit, and to the commendation of those worthy Persons in *Italy*, who did me the honour to address you to me. And this Injury is much aggravated by the splendor of your Condition, and greatness of your Fortune, which makes it impossible for me ever to hope for any other occasion to express my faithful service to you, or satisfy any part of the duty I have to be at your devotion. To be sick in a strange Country, and to distrust the sincerity and obedience of—

Noble Ven. Pray, Sir, give me leave to interrupt you, and to assure you, that it was not any distrust of your goodness to me, of which I have had sufficient experience; nor any insensibleness how much your care might advantage me; much less any scruple I had of being more in your debt; which if it had been possible for me to entertain, it must have been thought of long since, before I had received those great Obligations, which I never made any difficulty to accept of. It was not, I say, any of these Considerations, which hindered me from advertising you of my Distemper; but the Condition and Nature of it, which in a moment depriv'd me of the exercise of those Faculties, which might give me a Capacity of helping myself in any thing. But otherwise I assure you that no day of my life shall pass, wherein I will not express a sense of your Favours, and—

Doct. Pray now, Sir, permit me to interrupt you; for this Gentleman, I dare say, looks for no Compliments; but that which I have to say, is; That the desire you signified to me, to give you some account of our Affairs here, and the turbulency of our present State, will be much better placed, if you please to address it to this Gentleman, whose Parts and Studies have fitted him for such an Employment; besides his having had a great share in the managing Affairs of State here, in other times: And really no man understands the Government of *England* better than he.

Eng. Gent. Now, Doctor, I should tell you, *i pari miei si coglionono*, for so you your self have baptized this kind of Civility; But however, this is a Province that I cannot be reasonably prest to take upon me, whilst you are present, who are very well known to be as skilful in the Nature and Distemper of the Body Politick, as the whole Nation confesses you to be in the concerns of the Natural. And you would have good store of Practice in your former Capacity, if the wise Custom amongst the Ancient *Greeks* were not totally out of use. For they, when they found any Craziness or indisposition in their several Governments, before it broke out into a Disease, did repair to the Physicians of State (who, from their Profession, were called the Seven Wise Men of *Greece*) and obtain'd from them some good *Recipes* to prevent those seeds of distemper from taking root, and destroying the public Peace. But in our days, these Signs or Fore-runners of Diseases in State are
not

not foreseen, till the whole Mass is corrupted, and that the Patient is incurable, but by violent Remedies. And if we could have perceived the first Symptoms of our Distemper, and used good Alteratives, the curiosity of this worthy Gentleman had been spared, as also his command to you, to give him some light into our matters; and we unfortunate *Englishmen* had reposed in that quiet, ease, and security, which we enjoy'd three hundred years since. But let us leave the contest who shall inform this Gentleman, lest we spend the time we should do it in unprofitably, and let each of us take his part; for if one speak all, it will look like a studied discourse fitted for the Press, and not a familiar Dialogue. For it ought to be in private Conversation, as it was originally in the planting the Gospel, when there were two sorts of preaching; the one Concionary, which was used by the Apostles and other Missionaries, when they spoke to those who had never heard of the Mysteries of Christian Religion, possibly not so much as of the Jewish Law, or the History of Christ: The duty of those was to hear, and not reply, or any way interrupt the harrangue: but when the Believers (called the Church) assembled together, it was the Custom of such of the Auditors, to whom any thing occurred, or (as *S. Paul* calls it) was revealed, to interpose and desire to be heard, which was called an Interlocutory Preaching, or Religious Conversation; and served very much to the instructing and edifying those who had long believed in Christ, and possibly knew as much of him as their Pastor himself; and this is used still amongst many of our Independent Congregations.

Doct. I have (besides the reason I alledged before, and which I still insist upon) some other cause to beg that you will please to give yourself the trouble of answering this Gentleman's Queries; which is, that I am very defective in my Expressions in the *Italian* Language; which though I understand perfectly, and so comprehend all that either of you deliver, yet I find not words at hand to signify my own meaning, and am therefore necessitated to deliver myself in Latin, as you see. And I fear that our pronunciation being so different from that which is used in *Italy*, this worthy person may not so easily comprehend what I intend, and so be disappointed in the desire he hath to be perfectly instructed in our Affairs.

Noble Ven. Really, Sir, that is not all; for besides that, I confess your pronunciation of the Latin Tongue to be very new to me, and for that reason I have been forced to be troublesome to you, in making you repeat things twice, or thrice. I say besides that your Latinity, as your Writings shew, and all the world knows, is very pure and elegant, which it is notorious to all, that we in *Italy* scarce understand: Gentlemen there never Learning more Latin, than what is necessary to call for Meat and Drink, in *Germany* or *Holland*, where most of the Hosts speak a certain *Franck*, compounded of *Dutch*, *Latin*, and *Italian*. And though some of us have *Latin* enough to understand a good Author, (as you have of our Language) yet we seldom arrive to speak any better than this *Franck*, or can without study comprehend good *Latin*, when we meet with it in discourse. And therefore it is your perfection in that Tongue, and my ignorance in it, that makes me concur with you, in desiring this Gentleman, to take the pains of instructing my Curiosity in *Italian*.

Eng. Gent.

Eng. Gent. I shall obey you in this, and all things else, upon this condition, that both you and the Doctor will vouchsafe to interrogate me, and by that means give me the Method of serving you in this: And then that you will both please to interrupt and contradict me, when you think I say any thing amiss, or that either of you are of a different Opinion, and to give me a good occasion of explaining myself, and possibly of being convinced by you, which I shall easily confess; for I hate nothing more than to hear disputes amongst Gentlemen, and men of sense, wherein the Speakers seem (like Sophisters in a College) to dispute rather for Victory, than to discover and find out the Truth.

Doct. Well, all this I believe will be granted you; so that we have nothing to do now, but to adjourn, and name a time when to meet again. Which I, being this Gentleman's Physician, will take upon me to appoint, and it shall be to morrow morning about nine of the Clock, after he has slept well, as I hope he will, by means of a Cordial I intended to send him immediately. In the mean time, not to weary him too much, we will take our leaves of him for this Night.

Noble Ven. I shall expect your return with great impatience, and if your Cordial be not very potent, I believe the desire of seeing you will make me wake much sooner than the hour you appoint. And I am very confident, that my mind as well as my body, will be sufficiently improved by such Visits. It begins to be darkish, Boy, light your Torch, and wait on these Gentlemen down.

Both. Sir, we wish you all good rest and health.

Noble Ven. And I, with a thousand thanks, the like to you.

The SECOND DAY.

Doctor.

WELL, Sir, how is it? Have you rested well to Night? I fear we come too early.

Noble Ven. Dear Doctor, I find myself very well, thanks to your Care and skill, and have been up above these two hours, in expectation of the favour you and this Gentleman promis'd me.

Doct. Well, then pray let us leave off Compliments and Repartees, of which we had a great deal too much yesterday, and fall to our business, and be pleas'd to interrogate this Gentleman what you think fit.

Noble Ven. Then Sir, my first request to you, is, That you will vouchsafe to acquaint me for what Reasons this Nation, which hath ever been esteemed (and very justly) one of the most considerable People of the World, and made the best Figure both in Peace, Treaties, War and Trade, is now of so small regard, and signifies so little abroad? Pardon the Freedom I take, for I assure you it is not out of disrespect, much less of contempt that I speak it: For since I arrived in *England*, I find it one of the most flourishing Kingdoms in *Europe*, full of splendid Nobility and Gentry; the comliest persons alive, Valiant, Courteous, Knowing and Bountiful; and as well stored with Commoners, Honest, Industrious, fitted for Business, Merchandise, Arts, or Arms; as their several Educations lead them. Those who

apply themselves to study, prodigious for Learning, and succeeding to admiration in the perfection of all Sciences: All this makes the Riddle impossible to be solved; but by some skillful *OEdipus*, such as you are; whose pains I will yet so far spare, as to acknowledge, that I do in that little time I have spent here, perceive that the immediate cause of all this, is the Dis-union of the People and the Governors; the Discontentment of the Gentry, and Turbulency of the Commonalty; although without all Violence or Tumult, which is Miraculous. So that what I now request of you, is, That you will please to deduce particularly to me, the Causes of this Division, that when they are laid open, I may proceed (if you think fit to permit it) from the Disease, when known, to enquire out the Remedies.

Eng. Gent. Before I come to make you any Answer, I must thank you for the Worthy and Honourable Character you give of our Nation, and shall add to it, That I do verily believe, that there are not a more Loyal and Faithful People to their Prince in the whole world, than ours are; nor that fear more to fall into that State of Confusion, in which we were twenty years since; and that, not only this Parliament, which consists of the most Eminent Men of the Kingdom, both for Estates and Parts; but all the Inhabitants of this Isle in general; even those (so many of them as have their understandings yet entire) which were of the Anti-royal Party, in our late Troubles, have all of them the greatest horror imaginable, to think of doing any thing, that may bring this poor Country into those Dangers and Uncertainties, which then did threaten our Ruin; and the rather for this Consideration; that neither the Wisdom of some, who were engaged in those Affairs, which I must aver to have been very great, nor the Success of their Contest, which ended in an absolute Victory, could prevail, so as to give this Kingdom any advantage; nay, not so much as any settlement, in Satisfaction and Requit of all the Blood it had lost, Money it had spent, and Hazard it had run. A clear Argument why we must totally exclude a Civil War from being any of the Remedies, when we come to that point. I must add further, That as we have as loyal subjects as are any where to be found, so we have as gracious and good a Prince: I never having yet heard that he did, or attempted to do, any the least Act of Arbitrary Power, in any publick Concern; nor did ever take, or endeavour to take from any particular person the benefit of the Law. And for his only Brother (although accidentally he cannot be denied to be a great motive of the People's unquietness;) all men must acknowledge him to be a most Glorious and Honourable Prince, one who has exposed his life several times for the Safety and Glory of this Nation; one who pays justly and punctually his Debts, and manages his own Fortune discreetly; and yet keeps the best Court and Equipage of any Subject in Christendom; is Courteous and Affable to all; and in fine, has nothing in his whole Conduct to be excepted against, much less dreaded; excepting, that he is believed to be of a Religion contrary to the Honour of God, and the Safety and Interest of this People, which gives them just Apprehensions of their Future Condition: But of this matter, we shall have occasion to Speculate hereafter; in the mean time, since we have such a Prince, and such Subjects, we must needs want the ordinary cause of Distrust and Division, and therefore must seek higher to find out the Original of this turbulent posture we are in.

Doct.

Doct. Truly you had need seek higher or lower to satisfy us, for hitherto you have but enforced the Gentleman's Question, and made us more admire what the Solution will be.

Eng. Gent. Gentlemen, then I shall delay you no longer: The *Evil Counsellors*, the *Pensioner-Parliament*, the *Thorow-pac'd Judges*, the *Flattering Divines*, the *Busy and Designing Papists*, the *French Counsellors*, are not the *Causes* of our *Misfortunes*, they are but the *Effects* (as our present *Distractions* are) of one *Primary Cause*; which is the *Breach and Ruin of our Government*; which having been decaying for near two hundred years, is in our Age brought so near to Expiration, that it lies agonizing, and can no longer perform the Functions of a *Political Life*, nor carry on the work of Ordering and Preserving Mankind: So that the Shifts that our *Courtiers* have within some years used, are but so many Tricks, or Conclusions which they are trying to hold Life and Soul together a while longer; and have played Handy-Dandy with *Parliaments*, and especially with the *House of Commons*, (the only part which is now left entire of the old Constitution) by *Adjourning*, and *Proroguing*, and *Dissolving* them (contrary to the true meaning of the *Law*) as well in the Reign of our *late King*, as during his *Majesty's* that *now is*. Whereas indeed our *Counsellors* (perceiving they decay of the *Foundation*, as they must, if they can see but one Inch into the *Politicks*) ought to have Addrest themselves to the *King* to call a *Parliament*, the true Physician, and to lay open the Distemper there, and so have endeavour'd a Cure, before it had been too late, as I fear it now is: I mean the piecing and patching up the Old Government. It is true, as the Divine *Machiavil* says, That Diseases in Government are like a *Marasmus* in the Body Natural, which is very hard to be discovered whilst it is Curable; and after it comes to be easy to discern, difficult if not impossible to be remedy'd; yet it is to be supposed that the *Counsellors* are, or ought to be skilful Physicians, and to foresee the Seeds of State-Distempers, time enough to prevent the Death of the Patient; else they ought in Conscience to excuse themselves from that sublime Employment, and betake themselves to Callings more suitable to their Capacities. So that although for this Reason the *Ministers of State* here are inexcusable, and deserve all the Fury which must one time or other be let loose against them, (except they shall suddenly fly from the wrath to come, by finding out in time, and advising the true means of setting themselves to rights) yet neither *Prince* nor *People* are in the mean time to be blamed for not being able to Conduct things better. No more than the Waggoner is to answer for his ill guiding, or the Oxen for their ill drawing the Waggon, when it is with Age and ill usage broken, and the Wheels unserviceable: Or the Pilot and Mariners, for not weathering out a Storm, when the Ship hath sprung a planck. And as in the body of Man, sometimes the Head and all the Members are in good Order, nay, the Vital Parts are sound and entire; yet if there be a Considerable Putrefaction in the humours, much more, if the Blood (which the Scripture calls the life) be impure and Corrupted; the Patient ceases not to be in great Danger, and oftentimes dies without some skillful Physician: And in the mean time the Head and all the parts suffer, and are unquiet, full as much, as if they were all immediately affected. So it is in every respect with the Body Politick, or Common-wealth, when their Foundations are mould-

der'd:

der'd: And although in both these Cases, the Patients cannot (though the Distemper be in their own Bodies) know what they ail, but are forced to send for some Artist to tell them; yet they cease not to be extremely uneasy and impatient, and lay hold oftentimes upon unsuitable Remedies, and impute their Malady to wrong and ridiculous Causes. As some people do here, who think that *the growth of Popery* is our only Evil, and that if we were secure against that, our Peace and Settlement were obtain'd, and that our Disease needed no other Cure. But of this more when we come to the Cure.

Noble Ven. Against this Discourse, certainly we have nothing to reply: but must grant, that when any Government is decay'd, it must be mended, or all will Ruin. But now we must Request you to declare to us, how the Government of *England* is decay'd, and how it comes to be so. For I am one of those Unskilful Persons, that cannot discern a State *Marasmus*, when the danger is so far off.

Eng. Gent. Then no man living can: for your Government is this day the only School in the World, that breeds such Physicians, and you are esteemed one of the ablest amongst them: And it would be manifest to all the World for Truth; although there were no argument for it, but the admirable Stability and Durableness of your Government, which hath lasted above twelve hundred years entire and perfect; whilst all the rest of the Countries in *Europe*, have not only changed Masters very frequently in a quarter of that time, but have varied and altered their Politics very often. Which manifests that you must needs have ever enjoy'd a Succession of wise Citizens, that have had skill and Ability to forewarn you betimes of those Rocks against which your excellently built Vessels might in time split.

Noble Ven. Sir, you over-value, not only me, but the Wisdom of my Fellow Citizens; for we have none of these high Speculations, nor hath scarce any of our Body read *Aristotle*, *Plato*, or *Cicero*, or any of those great Artists, Ancient or Modern, who teach that great Science of the Governing and Increasing great States and Cities; without studying which Science no man can be fit to discourse pertinently of these matters; much less to found or mend a Government, or so much as find the defects of it. We only study our own Government, and that too chiefly to be fit for advantageous Employments, rather than to foresee our dangers. Which yet I must needs confess some amongst us are pretty good at, and will in a Harangue made upon passing a Law, venture to tell us what will be the Consequence of it two hundred years hence. But of these things I shall be very prodigal in my discourse, when you have Leisure and Patience to command me to say any thing of our Polity; in the mean time pray be pleased to go on with your edifying Instruction.

Eng. Gent. Before I can tell you how the Government of *England* came to be decayed, I must tell you what that Government was, and what it now is: And I should say something too of Government in General, but that I am afraid of talking of that Subject, before you who are so exact a Judge of it.

Noble Ven. I thought you had been pleased to have done with this Discourse, I assure you, Sir, if I had more skill in that matter than ever I can pretend to, it would but serve to make me the fitter Auditor of what you shall say on that Subject.

Eng. Gent.

Eng. Gent. Sir, in the Course of my Reasoning upon this Point, I shall have occasion to insist and expatiate upon many things, which both my self and others have Publish'd in former times. For which I will only make this excuse, that the Repetition of such matters is the more pardonable, because they will be at least new to you, who are a stranger to our Affairs and Writings. And the rather because those discourses shall be apply'd to our present condition, and suited to our present occasions. But I will say no more, but obey you, and proceed. I will not take upon me to say, or so much as Conjecture, how and when Government began in the World, or what Government is most Ancient: History must needs be silent in that point, for that Government is more Ancient than History. And there was never any Writer, but was bred under some Government, which is necessarily supposed to be the Parent of all Arts and Sciences, and to have produced them. And therefore it would be as hard for a man to write an account of the beginning of the Laws and Polity of any Country, except there were memory of it, (which cannot be before the first Historiographer) as it would be to any person without Records to tell the particular History of his own Earth.

Doct. Sir, I cannot comprehend you, may not Historians write a History of Matters done before they were born? If it were so; no man could write but of his own Times.

Eng. Gent. My meaning is, where there are not Stories, or Records, extant; for as for Oral Tradition, it lasts but for one Age, and then degenerates into Fable: I call any thing in Writing, whereby the account of the Passages or Occurrences of former times is deriv'd to our knowledge, a History, although it be not pen'd Methodically, so as to make the Author pass for a Wit: And had rather read the Authentick Records of any Country, that is a Collection of their Laws and Letters concerning Transactions of State, and the like, than the most Eloquent and Judicious Narrative that can be made.

Noble Ven. Methinks, Sir, your discourse seems to imply, that we have no account extant of the beginning of Governments; pray what do you think of the Books of *Moses*, which seem to be pen'd on purpose to inform us how he, by God's Command, led that People out of *Egypt* into another Land, and in the way made them a Government? Besides, does not *Plutarch* tell us, how *Theseus* gathered together the dispersed Inhabitants of *Attica*, brought them into one City, and under one Government of his own making? The like did *Romulus* in *Italy*, and many others in divers Countries.

Eng. Gent. I never said that we had not sufficient knowledge of the Original of particular Governments; but it is evident, that these great Legislators had seen, and lived under other Administrations, and had the help of learned Law-givers and Philosophers, excepting the first who had the Aid of God himself. So that it remains undiscovered yet, how the first Regulation of mankind began: And therefore I will take for granted that which all the Politicians conclude: Which is, That Necessity made the first Government. For every man by the first Law of Nature (which is common to us and brutes) had, like Beasts in a Pasture, right to every thing, and there being no Property, each Individual, if he were the stronger, might seize whatever any other had possessed himself of before, which made a State of perpetual War. To Remedy which, and the fear that nothing should be long enjoyed by any particular person (neither was any man's Life in safety) every man consented to be debar'd of that Universal Right to all things,

and confine himself to a quiet and secure enjoyment of such a part as should be allotted him: Thence came in Ownership, or Property; to maintain which it was necessary to consent to Laws, and a Government to put them in execution. Which of the Governments now extant, or that have been formerly, was first, is not possible now to be known; but I think this must be taken for granted, that whatsoever the Frame or Constitution was first, it was made by the Persuasion and Meditation of some Wise and virtuous Person, and consented to by the whole Number. And then, that it was instituted for the good and Preservation of the Governed, and not for the Exaltation and greatness of the Person or Persons appointed to Govern: The Reason why I beg this Concession is, That it seems very improbable, not to say impossible, that a vast number of People should ever be brought to consent to put themselves under the Power of others, but for the ends abovesaid, and so lose their Liberty without advantaging themselves in any thing. And it is full as impossible that any person (or persons so inconsiderable in number as Magistrates and Rulers are) should by force get an Empire to themselves. Though I am not ignorant that a whole people have in imminent Dangers, either from the Invasion of a powerful Enemy, or from Civil Distractions, put themselves wholly into the hands of one Illustrious Person for a time, and that with good Success, under the best Forms of Government: But this is nothing to the Original of States.

Noble Ven. Sir, I wonder how you come to pass over the Consideration of Paternal Government, which is held to have been the beginning of Monarchies?

Eng. Gen. Really I did not think it worth the taking notice of, for though it be not easy to prove a Negative, yet I believe if we could trace all foundations of Politics that now are, or ever came to our knowledge since the World began; we shall find none of them to have descended from Paternal Power; we know nothing of *Adam's* leaving the Empire to *Cain*, or *Seth*: It was impossible for *Noah* to retain any Jurisdiction over his own three Sons; who were dispersed into three parts of the World, if our Antiquaries Calculate right; and as for *Abraham*, whilst he liv'd, as also his Son *Isaac*, they were but ordinary Fathers of Families, and no question govern'd their own Household as all others do; but when *Jacob* upon his Death-bed did relate to his Children, the Promise Almighty God had made his Grandfather, to make him a great Nation, and give his Posterity a fruitful Territory, he speaks not one word of the Empire of *Reuben* his first-born, but supposes them all equal: And so they were taken to be by *Moses*, when he divided the Land to them by Lot; and by Gods command made them a *Common-wealth*. So that I believe this fancy to have been first started, not by the solid Judgment of any man, but to flatter some Prince, and to assert, for want of better Arguments, the *jus Divinum* of Monarchy.

Noble Ven. I have been impertinent in interrupting you, but yet, now I cannot repent of it, since your Answer hath given me so much satisfaction; but if it be so as you say, that Government was at first Instituted for the Interest and Preservation of Mankind, how comes it to pass, That there are and have been so many absolute Monarchies in the World, in which it seems that nothing is provided for, but the Greatness and Power of the Prince.

Eng.

Eng. Gent. I have presumed to give you already my Reason, why I take for granted, that such a Power could never be given by the consent of any People, for a perpetuity; for though the People of *Israel* did against the will of *Samuel*, and indeed of God himself demand, and afterwards chose themselves a King; yet he was never such a King as we speak of; for that all the Orders of their Commonwealth, the Sanhedrim, the Congregation of the People, the Princes of the Tribes, &c. did still remain in being, as hath been excellently proved by a learned Gentleman of our Nation, to whom I refer you; it may then be enquired into, how these Monarchies at first did arise. History being in this point silent, as to the Antient Principalities, we will Conjecture, that some of them might very well proceed from the Corruption of better Governments, which must necessarily cause a Depravation in manners (as nothing is more certain than that Politick defects breed Moral ones, as our Nation is a pregnant Example) this Debauchery of manners might blind the understandings of a great many, destroy the Fortunes of others, and make them indigent, infuse into very many a neglect and carelessness of the publick good, (which in all settled States is very much regarded) so that it might easily come into the Ambition of some bold aspiring Person to affect Empire, and as easily into his Power, by fair pretences with some, and promises of advantages with others, to procure Followers, and gain a numerous Party, either to Usurp Tyranny over his own Country, or to lead men forth to Conquer and Subdue another. Thus it is supposed that *Nimrod* got his Kingdom; who in Scripture is called a Great Hunter before God, which Expositors interpret, A great Tyrant. The Modern Despotical Powers have been acquired by one of these two ways, either by pretending by the first Founder thereof, that he had a Divine Mission and so gaining not only Followers, but even easy Access in some places without Force to Empire, and afterwards dilating their Power by great Conquest. Thus *Mahomet* and *Cingis Can* began, and established the *Sarazan* and *Tartarian* Kingdoms; or by a long Series of Wisdom in a Prince, or chief Magistrate of a mixt Monarchy, and his Council, who by reason of the Sleepiness and Inadvertency of the People, have been able to extinguish the great Nobility, or render them Inconsiderable; and so by degrees taking away from the People their Protectors, render them Slaves. So the Monarchies of *France*, and some other Countries, have grown to what they are at this day; there being left but a Shadow of the three States in any of these Monarchies, and so no bounds remaining to the Regal Power; but since Property remains still to the Subjects, these Governments, may be said to be changed, but not founded or established; for there is no Maxim more Infallible and Holding in any Science, than this is in the Politicks, *That Empire is founded in Property*. Force or Fraud may alter a Government; but it is Property that must Found and Eternise it: Upon this undeniable *Aphorism* we are to build most of our subsequent Reasoning, in the mean time we may suppose, that hereafter the great power of the King of *France* may diminish much, when his enraged and oppressed Subjects come to be commanded by a Prince of less Courage, Wisdom, and Military Virtue, when it will be very hard for any such King to Govern Tyrannically a Country which is not entirely his own.

Doct.

Doct. Pray, Sir, give me leave to ask you by the way, what is the Reason that here in our Country, where the Peerage is lessened sufficiently, the King has not gotten as great an Addition of Power as accrews to the Crown in *France*?

Eng. Gent. You will understand that, Doctor, before I have finished this discourse; but to stay your Stomach till then, you may please to know that in *France* the greatness of the Nobility which has been lately taken from them, did not consist in vast Riches and Revenues, but in great Priviledges, and Jurisdctions, which obliged the People to obey them; whereas our great Peers in former times had not only the same great Dependences, but very Considerable Revenues besides, in Demesnes, and otherwise: This Vassallage over the People, which the Peers of *France* had, being abolish'd, the Power over those Tenants, which before was in their Lords, fell naturally and of course into the Crown, although the Lands and possessions divested of those Dependences did and do still remain to the Owners; whereas here in *England*, though the Services are for the most part worn out, and insignificant; yet for want of Providence and Policy in former Kings, who could not foresee the danger a far off, Entails have been suffered to be cut off; and so two parts in ten of all those vast Estates, as well Mannors as Demesnes, by the Luxury and Folly of the Owners, have been within these two hundred years purchased by the lesser Gentry and the Commons; which has been so far from advantaging the Crown, that it has made the Country scarce governable by Monarchy: But if you please, I will go on with my discourse about Government, and come to this again hereafter?

Noble Ven. I beseech you, Sir, do.

Eng. Gent. I cannot find by the small reading I have, that there were any other Governments in the World Anciently than these three, *Monarchy*, *Aristocracy*, and *Democracy*. For the first, I have no light out of Antiquity to convince me, that there were in old times any other *Monarchies*, but such as were absolutely *Despotical*; all Kingdoms then, as well in *Greece* (as *Macedon*, *Epirus*, and the like; and where it is said, the Princes exercised their Power moderately) as in *Asia*, being altogether unlimited by any Laws, or any Assemblies of Nobility or People. Yet I must confess, *Aristotle*, when he reckons up the Corruptions of these three Governments, calls Tyranny the Corruption of Monarchy; which if he means a Change of Government, (as it is in the Corruptions of the other two) then it must follow, that the Philosopher knew of some other Monarchy at the first, which afterwards degenerated into Tyranny, that is, into Arbitrary Power; for so the Word Tyranny is most commonly taken, though in modern Languages it signifies the ill Exercise of Power; for certainly Arbitrary Government cannot be called Tyranny, where the whole Property is in the Prince (as we reasonably suppose it to have been in those Monarchies) no more than it is Tyranny for you to govern your own House and Estate as you please: But it is possible *Aristotle* might not in this speak so according to Terms of Art, but might mean, that the ill Government of a Kingdom or Family is Tyranny. However we have one Example, that puzzles Politicians, and that is *Egypt*, where *Pharaoh* is called King; and yet we see, that till *Joseph's* time he had not the whole Property; for the Wisdom of that Patriarch taught his Master away to make a new use of that Famine, by telling him, that
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if they would buy their Lives, and sell their Estates (as they did afterwards, and preserve themselves by the King's Bread) they shall serve *Pharaoh*; which shews that *Joseph* knew well, that *Empire was founded in Property*: But most of the Modern Writers in Polity, are of Opinion, that *Egypt* was not a Monarchy till then, though the Prince might have the Title of King, as the *Heracides* had in *Sparta*, and *Romulus* and the other Kings had in *Rome*; both which *States* were instituted *Common-wealths*. They give good Conjectures for this their Opinion, too many to be here mentioned; only one is, That Originally (as they go about to prove) all Arts and Sciences had their Rise in *Egypt*, which they think very improbable to have been under a Monarchy. But this Position, That all Kings in former times were absolute, is not so Essential to the intent I have in this Discourse, which is to prove, That in all States, of what kind soever, this Aphorism takes place: *Imperium fundatur in Dominio*. So that if there were mixed Monarchies, then the King had not all the Property; but those who shared with him in the Administration of the Sovereignty, had their part, whether it were the Senate, the People, or both; or if he had no Companions in the Sovereign Power, he had no Sharers likewise in the Dominion or Possession of the Land. For that is all we mean by Property, in all this Discourse; for as for Personal Estate, the Subjects may enjoy it in the largest Proportion, without being able to invade the Empire: The Prince may when he pleases take away their Goods, by his Tenants and Vassals (without an Army) which are his Ordinary Force, and answers to our *Possessio Comitatus*. But the Subjects with their Money cannot invade his Crown. So that all the Description we need make of this Kind or Form of Government, is, That the whole possession of the Country, and the whole power lies in the Hands and Breast of one man; he can make Laws, break and repeal them when he pleases, or dispense with them in the mean time when he thinks fit; interpose in all Judicatories, in behalf of his *Favourites*, take away any particular man's personal Estate, and his Life too, without the formality of a Criminal Process, or Trial; send a Dagger, or a Halter to his chief Ministers, and command them to make themselves away; and in fine, do all that his Will or his Interest suggests to him.

Doct. You have dwelt long here upon an Argumentation, That the Ancients had no Monarchies, but what were Arbitrary.

Eng. Gent. Pray give me leave to save your Objections to that point, and to assure you first, That I will not take upon me to be so positive in that; for that I cannot pretend to have read all the Historians and Antiquaries that ever writ; nor have I so perfect a memory as to remember, or make use of, in a Verbal and Transient Reasoning, all that I have ever read; And then to assure you again, that I build nothing upon that Assertion, and so your Objection will be needless, and only take up time.

Doct. You mistake me, I had no intent to use any Argument or Example against your Opinion in that; but am very willing to believe that it may be so. What I was going to say was this, that you have insisted much upon the point of Monarchy, and made a strange description of it, whereas many of the Ancients, and almost all the Modern Writers, magnify it to be the best of Governments.

Eng. Gent. I have said nothing to the contrary. I have told you *de facto* what it is, which I believe none will deny. The Philosopher said it was the best Government; but with this restriction, *ubi Philosophi regnant*, and they had an Example of it, in some few Roman Emperors; but in the most turbulent times of the Commonwealth, and Factions between the Nobility and the People, *Rome* was much more full of Virtuous and Heroick Citizens, than ever it was under *Aurelius* or *Antonius*: For the Moderns that are of that Judgment, they are most of them Divines, not Politicians, and something may be said in their behalf, when by their good Preaching, they can infuse into their imaginary Prince (who seems already to have an Image of the Power of God) the Justice, Wisdom, and Goodness too of the Deity.

Noble Ven. We are well satisfied with the Progress you have hitherto made in this matter; pray go on to the two other Forms used amongst the Ancients, and their Corruptions, that so we may come to the Modern Governments, and see how *England* stands, and how it came to decay, and what must Rebuild it.

Eng. Gent. You have very good Reason to hasten me to that; for indeed, all that has been said yet, is but as it were a Preliminary discourse to the knowledge of the Government of *England*, and its decay: when it comes to the Cure, I hope you will both help me, for both your self and the Doctor are a thousand times better than I at Remedies. But I shall dispatch the other two Governments. *Aristocracy*, or *Optimacy*, is a Commonwealth, where the better sort, that is, the Eminent and Rich men, have the chief Administration of the Government: I say, the chief, because there are very few ancient *Optimacies*, but the People had some share, as in *Sparta*, where they had power to Vote, but not Debate; for so the Oracle of *Apollo*, brought by *Lycurgus* from *Delphos*, settles it; But the truth is, these people were the natural *Spartans*. For *Lycurgus* divided the Country or Territory of *Laconia* into 39000 Shares; whereof nine Thousand only of these Owners were Inhabitants of *Sparta*; the rest lived in the Country: so that although *Thucidides* call it an Aristocracy, and so I follow him, yet it was none of those Aristocracies usually described by the Politicians, where the Lands of the Territory were in a great deal fewer hands. But call it what you will, where ever there was an Aristocracy, there the Property, or very much the Over-balance of it, was in the hands of the *Aristoi*, or Governors, be they more or fewer; for if the People have the greatest interest in the Property, they will, and must have it in the Empire: A notable example of it is *Rome*, the best and most glorious Government that ever the Sun saw; where the Lands being equally divided among the Tribes that is the People; it was impossible for the *Patricii* to keep them quiet, till they yielded to their desires, not only to have their *Tribunes*, to see that nothing passed into a Law without their consent, but also to have it declared, that both the *Consuls* should not only be chosen by the People (as they ever were, and the Kings too before them) but that they might be elected too, when the People pleased, out of *Plebeian* Families. So that now I am come to *Democracy*. Which you see is a Government where the chief part of the Sovereign Power, and the exercise of it, resides in the People; and where the Style is, *Jussu populi autoritate patrum*. And it doth consist of three fundamental Orders.

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The Senate proposing, the People resolving, and the Magistrates executing. This Government is much more Powerful than an *Aristocracy*, because the latter cannot arm the People, for fear they should seize upon the Government, and therefore are fain to make use of none but Strangers and Mercenaries for Soldiers; which, as the Divine *Machiavel* says, has hindered your Common-wealth of *Venice* from mounting up to Heaven, whither those incomparable Orders, and that venerable Wisdom used by your Citizens in keeping to them, would have carried you, if in all your Wars you had not been ill served.

Doct. Well, Sir, pray let me ask you one thing concerning *Venice*: How do you make out your *Imperium fundatur in dominio* there? Have the Gentlemen there, who are the Party governing, the possession of the whole Territory? Does not property remain entire to the Gentlemen, and other Inhabitants in the several Countries of *Padua*, *Brescia*, *Vicenza*, *Verona*, *Bergamo*, *Creman*, *Trevisi*, and *Friuli*, as also in the *Ultramarine* Provinces, and *Islands*? And yet I believe you will not deny, but that the Government of *Venice* is as well founded, and hath been of as long continuance as any that now is, or ever was in the World.

Eng. Gent. Doctor, I shall not answer you in this, because I am sure it will be better done by this Gentleman, who is a worthy Son of that honourable Mother.

Noble Ven. I thought you had said, Sir, that we should have done complimenting; but since you do command me to clear the Objection made by our learned Doctor, I shall presume to tell you, first how our City began. The *Goths*, *Huns*, and *Lombards* coming with all the Violence and Cruelty imaginable, to invade that part of *Italy* which we now call *Terra firma*, and where our Ancestors did then inhabit, forced them in great numbers to seek a shelter amongst a great many little Rocks or *Islands*, which stood very thick in a vast Lake, or rather Marsh, which is made by the *Adriatick* Sea, we call it *Laguna*; here they began to build, and getting Boats, made themselves Provisions of all kind from the Land; from whence innumerable people began to come to them, finding that they could subsist, and that the barbarous people had no Boats to attack them, nor that they could be invaded either by Horse or Foot without them. Our first Government, and which lasted for many years, was no more than what is practised in many Country Parishes in *Italy*, and possibly here too, where the Clerk, or any other person, calls together the chief of the Inhabitants to consider of Parish-business, as choosing of Officers, making of Rates, and the like. So in *Venice*, when there was any publick provision to be made by way of law, or otherwise, some Officers went about to persons of the greatest Wealth and Credit, to intreat them to meet and consult; from whence our Senate is called to this day *Consiglio de pregadi*, which in our barbarous Idiom is as much as *Pregati* in *Tuscan* Language: Our security increased daily, and so by consequence our Number and our Riches; for by this time there began to be another inundation of *Sarazens* upon *Asia* Minor, which forced a great many of the poor people of *Greece* to fly to us for protection, giving us the possession of some *Islands*, and other places upon the Continent: This opened us a Trade, and gave a beginning to our greatness; but chiefly made us consider what Government was fittest to conserve ourselves, and keep our Wealth (for we did not then much dream of Conquests,
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else without doubt we must have made a popular Government) we pitch'd upon an *Aristocracy*, by ordering that those who had been call'd to Council for that present year, and for four years before, should have the Government in their hands, and all their Posterity after them for ever; which made first the distinction between Gentlemen and Citizens; the People, who consisted of divers Nations, most of them newly come to inhabit there, and generally seeking nothing but safety and ease, willingly consented to this change, and so this *State* hath continued to this day; though the several Orders and Counsels have been brought in since, by degrees, as our Nobility encreased, and for other causes. Under this Government we have made some Conquests in *Italy*, and *Greece*, for our City stood like a Wall between the two great Torrents of *Goths* and *Sarazens*; and as either of their Empires declin'd, it was easy for us, without being very Warlike, to pick up some pieces of each side; as for the Government of these Conquests, we did not think fit to divide the Land amongst our Nobility, for fear of envy, and the effects of it: much less did we think it adviseable to plant Colonies of our People, which would have given the Power into their hands, but we thought it the best way for our Government to leave the People their Property, tax them what we thought fit, and keep them under by Governors and Citadels, and so in short make them a Province. So that now the Doctors Riddle is solved; for I suppose this Gentleman did not mean that his Maxim should reach to Provincial Governments.

Eng. Gent. No, Sir, so far from that, that it is just contrary; for as in National or Domestick Government, where a Nation is Governed either by its own People or its own Prince, there can be no settled Government, except they have the Rule who possess the Country. So in Provincial Governments, if they be wisely order'd, no man must have any the least share in the managing Affairs of State, but strangers, or such as have no share or part in the possessions there, for else they will have a very good opportunity of shaking off their Yoak.

Doct. That is true; and we are so wise here (I mean our Ancestors were) as to have made a Law, That no Native in *Ireland* can be *Deputy* there: But, Sir, being fully satisfied in my demand, by this Gentleman; I beseech you to go on to what you have to say before you come to *England*.

Eng. Gent. I shall then offer two things to your observation; the first is, That in all time and places, where any great Heroes or Legislators, have founded a Government, by gathering People together to build a City, or to invade any Country to possess it, before they came to dividing the conquered Lands, they did always very maturely deliberate under what Form or Model of Government they meant to live, and accordingly made the Partition of the Possessions; *Moses*, *Theseus*, and *Romulus*, Founders of *Democracies*, divided the Land equally: *Lycurgus* who meant an *Optimacy*, made a certain number of Shares, which he intended to be in the hands of the People of *Laconia*. *Cyrus*, and other conquering Monarchs before him, took all for themselves and Successors, which is observ'd in those Eastern Countries to this day, and which has made those Countries continue ever since under the same Government, though Conquered and possessed very often by several Nations: This brings me to the second thing to be observed, which is, *That wherever this apportionment of Lands*

Lands came to be changed in any kind, the Government either changed with it, or was wholly in a state of confusion: And for this reason *Lycurgus*, the greatest Politician that ever Founded any Government, took a sure way to fix Property by Confunding it, and bringing all into Common: And so the whole number of the Natural *Spartans*, who inhabited the City of *Lacedemon*, eat and drank in their several *convives* together: And as long as they continued so to do; they did not only preserve their Government entire, and that for a longer time than we can read of any Common-wealth that ever lasted amongst the Ancients, but held as it were the principality of *Greece*. The *Athenians*, for want of some Constitutions to fix Property, as *Theseus* placed it, were in danger of utter ruin, which they had certainly encounter'd, if the good Genius (as they then call'd it) of that People, had not raised them up a second Founder, more than six hundred years after the first, which was *Solon*: And because the History of this matter will very much conduce to the illustrating of this Aphorism we have laid down, I will presume so much upon your patience as to make a short recital of it, leaving you to see it more at large in *Plutarch* and other Authors. The Lands in the Territory of *Attica* which were in the possession of the Common People (for what reason History is silent) were for Debt all Mortgaged to the great Men of the City of *Athens*, and the Owners having no possibility of Redeeming their Estates, were treating to Compound with their Creditors, and deliver up their Lands to them: *Solon* (who was one of those State Physicians we speak of) was much troubled at this, and harangued daily to the Nobility and People against it, telling them first, that it was impossible for the *Grecians* to resist the *Medes* (who were then growing up to a powerful Monarchy) except *Athens* the second City of *Greece* did continue a Democracy; That it was as Impossible the People could keep their Empire, except they kept their Lands, nothing being more contrary to Nature, than that those who possess nothing in a Country can pretend to Govern it. They were all sensible of his Reasons, and of their own Danger, but the only Remedy (which was, that the great Men should forgive the Common People their Debts) would not at all be digested; so that the whole City now fully understanding their Condition, were continually in an uproar, and the People flock'd about *Solon*, whenever he came abroad, desiring him to take upon him the Government, and be their Prince, and they would make choice of him the next time they assembled. He told them no, he would never be a Tyrant, especially in his own Country; meaning, that he who had no more share than other of the Nobles, could not govern the rest, without being an Usurper or Tyrant: But this he did to oblige his Citizens, he frankly forgave all the Debts that any of the People owed to him, and released their Lands immediately; and this amounted to fifteen *Attick* Talents of Gold, a vast sum in those days; and betook himself to a voluntary Exile, in which he visited *Thales*, and went to the Oracle of *Delphos*, and offer'd up his Prayers to *Apollo* for the preservation of his City: In return of which (as the People then believed) the hearts of the great ones were so changed and enlarged, that they readily agreed to remit all their Debts to the People, upon Condition that *Solon* would take the pains to make them a new Model of Government, and Laws suitable to a Democracy, which he as readily accepted and performed; by

virtue of which that City grew and continued long the greatest, the Justest, the most Virtuous, Learned and Renowned of all that Age; drove the *Persians* afterwards out of *Greece*, defeated them both by Sea and Land, with a quarter of their number of Ships and Men; and produced the greatest Wits and Philosophers that ever lived upon Earth. The City of *Athens* Instituted a Solemn Feast in Commemoration of that great Generosity and Self-denial of the Nobility; who Sacrificed their own Interest to the preservation of their Country: which Feast was called the Solemnity of the *Seisactheia*, which signifies recision or abolition of Debts, and was observed with Processions, Sacrifices and Games, till the time of the *Roman's* Dominion over them (who encouraged it,) and ever till the change of Religion in *Greece*, and Invasion of the *Sarazens*. The *Romans* having omitted in their Institution to provide for the fixing of Property, and so the Nobility called *Patricii*, beginning to take to themselves a greater share in the conquer'd Lands than had been usual (for in the first times of the Common-wealth under *Romulus*, and ever after, it was always practised to divide the Lands equally amongst the Tribes) this Innovation stirred up *Licinius Stolo*, then Tribune of the People, to propose a Law; which, although it met with much difficulty, yet at last was consented to; by which it was provided, that no *Roman* Citizen, of what Degree soever, should possess above five hundred Acres of Land; and for the remaining part of the Lands which should be conquer'd, it was ordered to be equally divided, as formerly, amongst the Tribes: This found admittance, after much opposition, because it did provide but for the future, no Man at that time being owner of more Lands than what was lawful for him to possess; and if this law had been strictly observed to the last, that glorious Common-wealth might have subsisted to this day, for ought we know.

Doct. Some other Cause would have been the Ruin of it, what think you of a foreign Conquest?

Eng. Gent. Oh *Doctor*, if they had kept their Poverty they had kept their Government and their Virtue too, and then it had not been an easy matter to subdue them, *Quos vult perdere Jupiter dementat*; Breach of Rules and Order causes Division, and Division when it comes to be Incurable, exposes a Nation almost as much as a Tyrannical Government does. The *Goths* and *Vandals*, had they Invaded in those days, had met with the same success which befel the *Cymbri*, and the *Teutones*. I must confess, a foreign Invasion is a Formidable thing, when a Common-wealth is weak in Territory and Inhabitants, and that the Invader is numerous and warlike: And so we see the *Romans* were in danger of utter ruin when they were first attacked by the *Gauls* under *Brennus*: The like hazard may be fear'd, when a Common-wealth is assaulted by another of equal Virtue, and a Commander of equal Address and Valour to any of themselves. Thus the *Romans* run the risk of their Liberty and Empire, in the War of *Hannibal*; but their Power and their Virtue grew to that height in that contest, that when it was ended, I believe, that if they had preserved the Foundation of their Government entire, they had been Invincible: And if I were alone of this Opinion, I might be ashamed; but I am backt by the Judgment of your Imcomparable Country-man *Machiavil*; and no Man will condemn either of us of rashness, if he first consider, what small States, that have stood upon right bottoms, have done to defend their Liberty against

againſt great Monarchs; as is to be ſeen in the example of, the little Common-wealth of *Athens*, which deſtroyed the Fleet of *Xerxes*, conſiſting of a thouſand Veſſels, in the Streights of *Salamis*, and before the land army of *Darius* of three hundred thouſand in the Plains of *Marathon*, and drove them out of *Greece*; for though the whole Confederates were preſent at the Battle of *Plataea*, yet the *Athenian* Army ſingly under their General *Miltiades*, gain'd that renowned Battle of *Marathon*.

Noble Ven. I beſeech you, Sir, how was it poſſible, or practicable, that the *Romans* Conquering ſo many and ſo remote Provinces, ſhould yet have been able to preſerve their Agrarian Law, and divide all thoſe Lands equally to their Citizeens; Or if it had been poſſible, yet it would have ruin'd their City, by ſending all their Inhabitants away; and by taking in Strangers in their room, they muſt neceſſarily have had people leſs Virtuous and leſs Warlike, and ſo both their Government and their Military Diſcipline muſt have been corrupted; for it is not to be imagined, but that the People would have gone with their Families to the place where their Lands lay: So that it appears that the *Romans* did not provide, in the making and framing their firſt Polity, for ſo great Conqueſts as they afterwards made.

Eng. Gent. Yes, ſurely they did; from their firſt beginning they were founded in War, and had neither Land nor Wives but what they fought for; but yet what you object were very weighty, if there had not been a conſideration of that early: For as ſoon as that great and wiſe People had ſubdued the *Samnites* on the *East*, and brought their Arms as far as the *Greek* Plantations, in that part of *Italy* which is now called the Kingdom of *Naples*; and Weſtward, had reduced all the *Tuſcans* under their Obedience, as far as the River *Arnus*, they made that and the River *Volturnus* (which runs by the Walls of *Capua*) the two Boundaries of their Empire, which was called *Domicilium Imperii*. Theſe were the *ne plus ultra*, for what they Conquered between theſe two Rivers, was all conſiſcated and divided amongſt the Tribes; the *Ruſtick* Tribes being twenty ſeven, and the *Urbane* Tribes nine, which made thirty ſix in all. The City Tribes were like our Companies in *London*, conſiſting of Tradeſmen. The Country Tribes were divided like Shires, and there was ſcarce any Landed Man, who Inhabited in the City, but he was written in that Tribe where his Eſtate lay; ſo that the *Ruſtick* Tribes (though they had all equal Voices) were of far more Credit and Reputation than the *Urbane*. Upon the days of the *Comitia*, which were very well known, as many as thought fit amongſt the Country Tribes, came to give their Voices, though every Tribe was very numerous of Inhabitants that lived in the City. Now the *Agrarian* did not extend to any Lands conquered beyond this Precinct, but they were left to the Inhabitants, they paying a Revenue to the Common-wealth; all but thoſe which were thought fit to be ſet out to maintain a *Roman* Colony, which was a good number of *Roman* Citizens, ſent thither, and provided of Lands and Habitations, which being Armed, did ſerve in the nature of a Citadel and Garrifon to keep the Province in Obedience, and a *Roman* Prætor, Proconſul, or other Governor, was ſent yearly to head them, and brought Forces with him beſides. Now it was ever lawful for any *Roman* Citizen to purchaſe what Lands he pleaſed in any of theſe Provinces; it not being dangerous to a City to have their People rich, but
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to have such a Power in the governing part of the Empire, as should make those who managed the Affairs of the Common-wealth depend upon them; which came afterwards to be that which ruined their Liberty, and which the *Gracchi* endeavoured to prevent when it was too late; For those Illustrious persons seeing the disorder that was then in the Common-wealth, and rightly comprehending the Reason, which was the intermission of the *Agrarian*, and by consequence the great Purchases which were made by the Men of *Rome* (who had enriched themselves in *Asia* and the other Provinces) in that part of *Italy* which was between the two Rivers, before mentioned, began to harrangue the People, in hopes to persuade them to admit of the right Remedy, which was to confirm the *Agrarian* Law with a Retrospect; which although they carried, yet the difficulties in the Execution proved so great, that it never took effect, by reason that the Common People, whose Interest it was to have their Lands restored; yet having long lived as Clients, and Dependents of the great ones, chose rather to depend still upon their Patrons, than to hazard all for an imaginary deliverance, by which supineness in them, they were prevail'd with rather to join (for the most part) with the Oppressors of themselves and their Country, and to cut the throats of their redeemers, than to employ their just resentment against the covetous Violators of their Government and Property. So perished the two renowned *Gracchi*, one soon after the other, not for any crime, but for having endeavoured to preserve and restore their Common-wealth; for which (if they had lived in times suitable to such an Heroick undertaking, and that the virtue of their Ancestors had been yet in any kind remaining) they would have merited and enjoyed a Reputation equal to that of *Lycurgus*, or *Solon*, whereas as it happen'd they were sometime after branded with the name of Sedition, by certain Wits, who prostituted the noble flame of Poetry (which before had wont to be employed in magnifying heroick Actions) to flatter the Lust and Ambition of the *Roman* Tyrants.

Noble Ven. Sir, I approve what you say in all things, and in Confirmation of it, shall further alledge the two famous Princes of *Sparta*, *Agis*, and *Cleomines*, which I couple together, since *Plutarch* does so; These finding the Corruption of their Common-wealth, and the Decay of their ancient Virtue, to proceed from the neglect and inobservance of their Founder's Rules, and a breach of that Equality which was first instituted; endeavour'd to restore the Laws of *Lycurgus*, and divide the Territory anew; their Victory in the *Peloponnesian* War, and the Riches and Luxury brought into their City by *Lisander*, having long before broken all the Orders of their Common-wealth, and destroyed the Proportions of Land allotted to each of the natural *Spartans*: But the first of these two excellent Patriots perished by Treachery in the beginning of his Enterprize, the other began and went on with incomparable Prudence and Resolution, but miscarried afterwards by the Iniquity of the times, and baseness and wickedness of the People; so infallibly true it is, That where the Policy is corrupted, there must necessarily be also a corruption and depravation of Manners, and an utter abolition of all Faith, Justice, Honour, and Morality; but I forget my self, and intrench upon your Province: there is nothing now remains to keep you from the Modern Policies, but that you please to shut up this Discourse of the Ancient Governments, with
saying

saying something of the Corruptions of *Aristocracy* and *Democracy*; for I believe both of us are satisfied that you have abundantly proved your Assertion, and that when we have leisure to examine all the States or Policies that ever were, we shall find all their Changes to have turn'd upon this Hinge of Property, and that the fixing of that with good laws in the beginning or first Institution of a state, and the holding to those Laws afterwards, is the only way to make a Common-wealth Immortal.

Eng. Gent. I think you are very right; but I shall obey you, and do presume to differ from *Aristotle*, in thinking that he has not fitly called those extremes (for so I will stile them) of *Aristocracy* and *Democracy*, Corruptions; for that they do not proceed from the alteration of Property, which is the *Unica corruptio politica*: For Example, I do not find that Oligarchy, or Government of a few, which is the Extream of an Optimacy, ever did arise from a few Men's getting into their hands the Estates of all the rest of the Nobility: For had it began so, it might have lasted, which I never read of any that did. I will therefore conclude, that they were all Tyrannies; for so the *Greeks* called all Usurpations, whether of one or more persons, and all those that I ever read of, as they came in either by Craft or violence, as the Thirty Tyrants of *Athens*, the Fifteen of *Thebes*, and the *Decem-viri* of *Rome* (though these first came in lawfully) so they were soon driven out; and ever, were either assassinated, or dyed by the Sword of Justice; and therefore I shall say no more of them, not thinking them worth the name of a Government. As for the Extreme of *Democracy*, which is *Anarchy*, it is not so: for many Common-wealths have lasted for a good time under that Administration (if I may so call a State so full of Confusion.) An *Anarchy* then is, when the People not contented with their Share in the Administration of the Government, (which is the right of Approving, or Disapproving of Laws, of Leagues, and of making of War and Peace, of judging in all Causes upon an Appeal to them, and choosing all manner of Officers) will take upon themselves the Office of the *Senate* too, in managing Subordinate Matters of State, Proposing Laws Originally, and assuming Debate in the Market place, making their Orators their Leaders; nay, not content with this, will take upon them to alter all the Orders of the Government when they please; as was frequently practised in *Athens*, and in the Modern State of *Florence*. In both these Cities, when ever any great person who could lead the People, had a mind to alter the Government, he call'd them together, and made them vote a Change. In *Florence* they call'd it, *Chiamar il popolo a Parlamento e ripigliar lo Stato*, which is summoning the People into the Market-place to resume the Government, and did then presently institute a new one, with new Orders, new Magistracies, and the like. Now that which originally causes this Disorder, is the admitting (in the beginning of a Government, or afterwards) the meaner sort of People, who have no Share in the Territory, into an equal part of ordering the Common-wealth; these being less sober, less considering, and less careful of the Publick Concerns; and being commonly the Major part, are made the Instruments oft-times of the Ambition of the great ones, and very apt to kindle into Faction: but notwithstanding all the Confusion which we see under an Anarchy, (where the wisdom of the better sort is made useless by the fury of the People) yet many Cities have subsist-

ed hundreds of years in this condition; and have been more considerable, and performed greater Actions, than ever any Government of equal Extent did, except it were a well-regulated *Democracy*; But it is true, they ruin in the end, and that never by Cowardize or baseness, but by too much boldness and temerarious undertakings, as both *Athens* and *Florence* did; The first undertaking the Invasion of *Sicily*, when their Affairs went ill elsewhere; and the other by provoking the *Spaniard* and the *Pope*. But I have done now, and shall pass to say something of the Modern Policies.

Noble Ven. Before you come to that, Sir, pray satisfy me in a Point which I should have moved before, but that I was unwilling to interrupt your rational Discourse; How came you to take it for granted, that *Moses*, *Theseus* and *Romulus* were Founders of Popular Governments? As for *Moses*, we have his Story written by an infallible Pen; *Theseus* was ever called King of *Athens*, though he liv'd so long since, that what is written of him is justly esteem'd fabulous; but *Romulus* certainly was a King, and that Government continued a Monarchy, though Elective, under seven Princes.

Eng. Gent. I will be very short in my Answer, and say nothing of *Theseus*, for the reason you are pleas'd to alledge: But for *Moses*, you may read in Holy Writ, that when, by God's Command, he had brought the *Israelites* out of *Egypt*, he did at first manage them by acquainting the People with the Estate of their Government, which People were called together with the sound of a Trumpet, and are termed in Scripture, the Congregation of the Lord; this Government he thought might serve their turn in their passage, and that it would be time enough to make them a better, when they were in possession of the Land of *Canaan*; especially having made them Judges and Magistrates at the instance of his Father-in-law, which are called in Authors, *Præfeli Jethroniani*; but finding that this Provision was not sufficient, complain'd to God of the difficulty he had, to make that State of Affairs hold together; God was pleas'd to order him, to let seventy Elders be appointed for a Senate, but yet the Congregation of the Lord continued still and acted: And by the several soundings of the Trumpets, either the Senate or popular Assembly were called together, or both; so that this Government was the same with all other *Democracies*, consisting of a Principal Magistrate, a Senate, and a People Assembled together, not by Representation, but in a body. Now for *Romulus*, it is very plain, that he was no more than the first Officer of the Common-wealth, whatever he was called, and that he was chosen (as your *Doge* is) for Life; and when the last of those seven Kings usurpt the place, that is, did reign *injussu Populi*, and exercise the Government Tyrannically, the People drove him out (as all People in the World that have Property will do in the like Case, except some extraordinary qualifications in the Prince preserve him for one Age) and afterwards appointed in his room two Magistrates, and made them Annual, which two had the same Command, as well in their Armies as in their Cities, and did not make the least alteration besides, excepting that they chose an Officer that was to perform the King's Function in certain Sacrifices (which *Numa* appointed to be performed by the King) lest the People should think their Religion were changed: This Officer was called *Rex Sacrificulus*. If you are satisfied, I will go on to the consideration of our Modern States.

Noble Ven.

Noble Ven. I am fully answered, and besides am clearly of Opinion, that no Government, whether mixt Monarchy or Common-wealth, can subsist without a Senate, as well from the turbulent State of the *Israelites* under *Moses* till the *Sanhedrim* was instituted, as from a certain Kingdom of the *Vandals* in *Africa*; where after their Conquest of the Natives, they appointed a Government consisting of a Prince and a Popular Assembly, which latter, within half a year, beat the King's brains out, he having no bulwark of Nobility or Senate to defend him from them. But I will divert you no longer.

Eng. Gent. Sir, you are very right, and we should have spoken something of that before, if it had been the business of this Meeting to Discourse of the particular Models of Government; but intending only to say so much of the Ancient Policy as to shew what Government in General is, and upon what Basis it stands, I think I have done it sufficiently to make way for the understanding of our own, at least when I have said something of the Policies which are now extant; and that with your favour I will do. I shall need say little now of those Common-wealths, which however they came by their Liberty, either by Arms or Purchase, are now much what under the same kind of Policy as the Antients were. In *Germany*, the Free Towns, and many Princes make up the Body of a Common-wealth called the Empire, of which the Emperor is Head; this General Union hath its Diets or Parliaments, where they are all represented, and where all things concerning the safety and Interest of *Germany* in General, or that belong to Peace and War, are transacted; these Diets never intermeddle with the particular Concerns or Policies of those Princes or States that make it up, leaving to them their particular Sovereignities: The several Imperial Cities, or Common-wealths, are divided into two kinds, *Lubeck's Law*, and *Collen's Law*, which being the same exactly with the ancient *Democracies* and *Optimacies*, I will say no more of them. The Government of *Switzerland*, and the Seven Provinces of the *Low-Countries* were made up in haste, to Unite them against Persecution and Oppression, and to help to defend themselves the better, which they both have done very gallantly and successfully: They seem to have taken their Pattern from the *Grecians*, who when their Greatness began to decline, and the several Tyrants who succeeded *Alexander* began to press hard upon them, were forced to League themselves (yet in several Confederacies, as that of the *Etolians*, that of the *Achaians*, &c.) for their mutual defence. The *Swisses* consist of Thirteen Sovereignities; some Cities which are most *Aristocratical*, and some Provinces which have but a Village for their head Township. These are all *Democracies*, and are Govern'd all by the Owners of Land, who Assemble as our Free-Holders do at the County-Court. These have their General Diets, as in *Germany*. The Government of the united Provinces has for its Foundation the Union of *Utrecht*, made in the beginning of their standing upon their Guard against the Cruelty and Oppression of the *Spaniard*, and patcht up in haste; and seeming to be compos'd only for necessity, as a state of War, has made Modern Statesmen Conjecture that it will not be very practicable in time of Peace, and Security. At their General Diet, which is called the States General, do intervene the Deputies of the Seven Provinces, in what number their Principals please; but all of them have but one Vote, which are by consequence Seven, and every one

one of the Seven hath a Negative; so that nothing can pass without the Concurrence of the whole Seven. Every one of these Provinces have a Counsel or Assembly of their own, called the States Provincial, who send and Instruct their Deputies to the States-General, and perform other Offices belonging to the Peace and Quiet of the Province. These Deputies to the States Provincial, are sent by several Cities of which every Province consists, and by the Nobility of the Province, which hath one Voice only: The Basis of the Government lies in these Cities, which are every of them a distinct Sovereignty; neither can the States of the Province, much less the States General, intrench in the least upon their Rights, nor so much as intermeddle with the Government of their Cities, or Administration of Justice, but only treat of what concerns their mutual Defence, and their Payments towards it. Every one of these Cities is a Sovereignty, governed by an *Optimacy*, consisting of the chief Citizens, which upon death are supplied by new ones Elected by themselves; these are called the *Urnuscaperie* or *Herne*, which Council has continued to Govern those Towns, time out of mind; even in the times of their Princes, who were then the Sovereigns; for without the consent of him, or his Deputy, called State-Holder, nothing could be concluded in those days. Since they have Instituted an artificial Minister of their own, whom they still call State-Holder, and make choice of him in their Provincial Assemblies, and for Form sake defer something to him, as the Approbation of their Skepen and other Magistrates, and some other Matters: This has been continued in the Province of *Holland*, which is the chief Province in the Succession of the Princes of *Orange*, and in the most of the others too: The rest have likewise chosen some other of the House of *Nassau*. This Government (so oddly set together, and so compos'd of a State, intended for a Monarchy, and which, as Almanacks calculated for one Meridian, are made in some sort to serve for another, is by them continued in these several *Aristocracies*) may last for a time, till Peace and Security, together with the abuse which is like to happen in the choice of the *Herne*, when they shall Elect persons of small note into their Body, upon Vacancies, for Kindred or Relation, rather than such as are of Estate and eminency, or that otherwise abuse their power in the execution of it, and then it is believed, and reasonably enough, that those People (great in wealth, and very acute in the knowledge of their own Interest) will find out a better Form of Government, or make themselves a prey to some great Neighbour-Prince in the attempting it; and this in case they in the mean time escape Conquest from this great and powerful King of *France*, who at this time gives Law to *Christendom*. I have nothing now left to keep me from the modern Monarchies, but the most famous Common-wealth of *Venice*, of which it would be presumption for me to say any thing whilst you are present.

Noble Ven. You may very safely go on if you please; for I believe Strangers understand the Speculative part of our Government, better than we do; and the Doctrine of the Ballat which is our chief excellency: For I have read many Descriptions of our Frame, which have taught me something in it which I knew not before; particularly, *Donato Gianotti* the *Florentine*, to whom I refer those who are curious to know more of our Orders, for we that manage the Mechanical part of the Government are like Horses who know their

their Track well enough, without considering *East* or *West*, or what business they go about. Besides, it would be very tedious, and very needless, to make any Relation of our Model, with the several Councils that make it up, and would be that which you have not done in treating of any other Government: what we have said is enough to shew what beginning we had, and that serves your turn, for we who are called Nobility, and who manage the State, are the Descendants of the first Inhabitants, and had therefore been a *Democracy*, if a numerous Flock of Strangers (who are contented to come and live amongst us as Subjects) had not swelled our City, and made the Governing party seem but a handful; so that we have the same foundations that all other *Aristocracies* have, who govern but one City, and have no Territory but what they Govern Provincially; and our People not knowing where to have better Justice, are very well contented to live amongst us, without any share in the Managing of Affairs; yet we have power to adopt whom we please into our Nobility, and I believe that in the time of the *Roman* greatness, there were five for one of the Inhabitants who were written in no Tribe, but look'd upon as Strangers, and yet that did not vitiate their *Democracy*, no more than our Citizens and Common People can hurt our *Optimacy*; all the difficulty in our Administration, hath been to regulate our own Nobility, and to bridle their faction and ambition, which can alone breed a Disease in the Vital part of our Government, and this we do by most severe Laws, and a very rigorous execution of them.

Doct. Sir, I was thinking to Interpose concerning the Propriety of Lands in the Territory of *Padua*, which I hear is wholly in the possession of the Nobility of *Venice*.

Noble Ven. Our Members have very good Estates there, yet nothing but what they have paid very well for, no part of that Country, or of any other Province, having been shar'd amongst us as in other Conquests: 'Tis true, that the *Paduans* having ever been the most revengeful People of *Italy*, could not be deterr'd from those execrable and treacherous Murders which were every day committed, but by a severe Execution of the Laws as well against their Lives as Estates: And as many of their Estates as were Confiscated, were (during our necessities in the last War with the *Turks*) exposed to sale, and sold to them that offered most, without any consideration of the persons purchasing; But it is very true that most of them came into the hands of our Nobility, they offering more than any other, by reason that their sober and frugal living, and their being forbidden all manner of Traffick, makes them have no way of employing the Money which proceeds from their Parsimony, and so they can afford to give more than others who may employ their Advance to better profit elsewhere. But I perceive, *Doctor*, by this Question, that you have studied at *Padua*.

Doct. No really, Sir, the small learning I have was acquired in our own University of *Oxford*, nor was I ever out of this Island.

Noble Ven. I would you had, Sir, for it would have been a great honour to our Country to have contributed any thing towards so vast a knowledge as you are Possessor of: But I wish that it were your Country, or at least the place of your Habitation, that so we might partake not only of your excellent Discourse sometimes, but be the better for your skill, which would make us Immortal.

Doct. I am glad to see you so well that you can make your self so merry, but I assure you I am very well here; *England* is a good wholesome Climate for a Physician: But, pray let our Friend go on to his Modern Monarchies.

Eng. Gent. That is all I have now to do: Those Monarchies are two, Absolute, and Mixt; for the first kind, all that we have knowledge of, except the Empire of the *Turks*, differ so little from the ancient Monarchies of the *Assyrians* and *Persians*, that having given a short Description of them before, it will be needless to say any more of the *Persian*, the *Mogul*, the King of *Pegu*, *China*, *Prestor-John*, or any other the great Men under those Princes, as the *Satrapes* of old; being made so only by their being employed and put into great places and Governments by the Sovereign; But the Monarchy of the Grand Seignor is something different; they both agree in this, that the Prince is in both absolute Proprietor of all the Lands, (excepting in the Kingdom of *Egypt*, of which I shall say something anon) but the diversity lies in the Administration of the Property; the other Emperors as well Ancient as Modern using to manage the Revenue of the several Towns, and Parishes, as our Kings, or the Kings of *France* do; that is, keep it in their hands, and Administer it by Officers: And so you may read that *Xerxes* King of *Persia* allow'd the Revenue of so many Villages to *Themistocles*, which Assignations are practised at this day, both to publick and to private uses, by the present Monarchs. But the *Turks*, when they invaded the broken Empire of the *Arabians*, did not at first make any great alteration in their Policy, till the House of *Ottoman* the present Royal Family did make great Conquests in *Asia*, and afterwards in *Greece*; whence they might possibly take their present way of dividing their conquered Territories; for they took the same course which the *Goths* and other Modern People had used with their Conquered Lands in *Europe*, upon which they planted Military Colonies, by dividing them amongst the Soldiers for their pay or maintenance. These Shares were call'd by them *Timarr's*, which signifies *Benefices*, but differ'd in this only from the *European* Knights-Fees, that these last Originally were Hereditary, and so Property was maintained, whereas amongst the *Ottomans*, they were meerly at will; and they enjoy'd their shares whilst they remained the *Sultan's* Soldiers, and no longer; being turn'd out both of his Service, and of their *Timarr's*, when he pleases. This doubtless had been the best and firmest Monarchy in the World, if they could have stay'd here, and not had a Mercenary Army besides, which have often (like the *Prætorians* in the time of the *Roman* Tyrants) made the Palace and the Serraglio the Shambles of their Princes; whereas if the *Timariots*, as well *Sphais* or Horse, as Foot, had been brought together to Guard the Prince by Courses (as they used to do King *David*) as well as they are to fight for the Empire; this horrid flaw and inconvenience in their Government had been wholly avoided. For though these are not planted upon entire property as *David's* were, (those being in the nature of Trained-Bands) yet the remoteness of their Habitations from the Court, and the Factions of the great City, and their desire to repair home, and to find all things quiet at their return, would have easily kept them from being infected with that cursed Disease of Rebellion against their Sovereign, upon whose favour they depend for the continuance of their livelihood: Whereas the

Janizaries

Janizaries are for life, and are sure to be in the same Employment under the next Successor; so sure, that no Grand Seignior can, or dares go about to disband them, the suspicion of intending such a thing, having caused the death of more than one of their Emperors. But I shall go to the limited Monarchies.

Doct. But pray, before you do so, inform us something of the *Roman* Emperors: Had they the whole Dominion or Property of the Lands of *Italy*?

Eng. Gent. The *Roman* Emperors I reckon amongst the Tyrants, for so amongst the *Greeks* were called those Citizens who usurp'd the Governments of their Common-wealths, and maintain'd it by force, without endeavouring to found or establish it, by altering the Property of Lands, as not imagining that their Children could ever hold it after them, in which they were not deceived: So that it is plain that the *Roman* Empire was not a natural but a violent Government. The reasons why it lasted longer than ordinarily Tyrannies do, are many; First, because *Augustus* the first Emperor kept up the Senate, and so for his time cajoled them with this bait of imaginary Power, which might not have sufficed neither to have kept him from the fate of his Uncle, but that there had been so many Revolutions and bloody wars between, that all Mankind was glad to repose and take breath for a while under any Government that could protect them. And he gain'd the service of these Senators the rather, because he suffered none to be so but those who had followed his Fortune in the several Civil Wars, and so were engaged to support him for their own preservation; Besides, he confiscated all those who had at any time been proscribed, or sided in any Encounter against him; which, considering in how few hands the Lands of *Italy* then were, might be an over-balance of the Property in his hands. But this is certain, that what ever he had not in his own possession, he disposed of at his pleasure, taking it away, as also the lives of his people, without any judicial proceedings, when he pleased: That the Confiscations were great, we may see by his planting above sixty thousand Soldiers upon Lands in *Lombardy*; That is, erecting so many *Beneficia*, or *Timarr's*, and, if any Man's Lands lay in the way, he took them in for Neighbourhood, without any delinquency. *Mantua vae miseræ nimium vicina Cremonæ.* And it is very evident that if these *Beneficia* had not afterwards been made Hereditary, that Empire might have had a stabler Foundation, and so a more quiet and orderly progress than it after had; for the Court Guards, call'd the *Prætorians*, did make such havock of their Princes, and change them so often, that this (though it may seem a Paradox) is another reason why this Tyranny was not ruin'd sooner; for the People, who had really an Interest to endeavour a change of Government, were so prevented by seeing the Prince, whom they designed to supplant, removed to their hand, that they were puzzled what to do, taking in the mean time great recreation to see those wild Beasts hunted down themselves, who had so often prey'd upon their Lives and Estates; besides that, most commonly the frequent removes of their Masters, made them scarce have time to do any mischief to their poor oppressed Subjects in particular, though they were all Slaves in general. This Government of the later *Romans* is a clear Example of the truth and efficacy of these Politick Principles we have been discouraging of. First, that any Government (be it the most unlimited and

arbitrary

arbitrary Monarchy) that is placed upon a right Basis of Property, is better both for Prince and People, than to leave them a seeming Property, still at his devotion, and then for want of fixing the Foundation, expose their Lives to those dangers and hazzards with which so many Tumults and Insurrections, which must necessarily happen, will threaten them daily: And in the next place, that any violent constraining of mankind to a subjection, is not to be called a Government, nor does save either the Politick or Moral ends, which those eminent Legislators amongst the Ancients proposed to themselves, when they set Rules to preserve the quiet and peace, as well as the plenty, prosperity, and greatness of the People; but that the Politicks or Art of Governing is a Science to be learned and studied by Counsellors and States-men be they never so great; or else Mankind will have a very sad condition under them, and they themselves a very perplexed and turbulent life, and probably a very destructive and precipitous end of it.

Doct. I am very glad I gave occasion to make this Discourse; now I beseech you, before you go to the mixt Monarchies, not to forget *Egypt*.

Eng. Gent. 'Twas that I was coming to, before you were pleased to interrogate me concerning the *Roman* Empire. The *Egyptians* are this day, for ought I know, the only People that enjoy Property, and are govern'd as a Province by any of the Eastern absolute Princes. For whereas *Damasco*, *Alleppo*, and most of the other Cities and Provinces of that Empire, whose Territory is divided into *Timarr's*, are governed by a *Bashaw*, who for his Guards has some small number of Janizaries or Soldiers; the *Bashaw* of *Egypt*, or of *Grand Cairo*, has ever an Army with him; and divers Forts are erected, which is the way *European* Princes use in governing their Provinces, and must be so where Property is left entire, except they plant Colonies as the *Romans* did. The reason why *Selim*, who broke the Empire of the *Mamalukes*, and conquered *Egypt*, did not plant *Timarr's* upon it, was the Laziness and Cowardliness of the People, and the great Fruitfulness of the Soil, and Delicousness of the Country, which has mollify'd and rendered effeminate all the Nations that ever did inhabit it. So that a resolution was taken to impose upon them, first the maintaining an Army by a Tax, and then to pay a full half of all the Fruits and product of their Lands (to the Grand Seignior) which they are to cultivate and improve: This is well managed by the *Bashaws*, and their Officers, and comes to an incredible sum; the goods being sold, the Money is conveyed *in specie* to the Port, and is the greatest part of that Prince's Revenue. And it is believed, that if all the Lands had been entirely confiscated, and that the Grand Seignior had managed them by his Officers, he would not have made a third part so much of the whole, as he receives now annually for one half: not only because those People are extremely industrious where their own profit is concerned: but for that, it is clear, if they had been totally divested of their Estates, they would have left their Country, and made that which is now the most populous Kingdom of the World, a Desert, as is all the rest of the *Turkish* Dominions, except some Cities. And if the People had removed as they did elsewhere, there would not only have wanted hands to have cultivated and improved the Lands, but mouths to consume the product of it; so that the Prince's Revenue by the cheapness

cheapness of Victual, and the want of Labourers, would have almost fallen to nothing.

Noble Ven. Pray God this be not the reason that this King of *France* leaves Property to his Subjects; for certainly he hath taken example by this Province of *Egypt*, his Subjects having a Tax (which for the continuance of it, I must call a Rent or Tribute) impos'd upon them to the value of one full half of their Estates, which must ever encrease as the Lands improve.

Eng. Gent. I believe, Sir, there is another reason; for the Property there, being in the Nobility and Gentry, which are the hands by which he manages his Force both at home and abroad, it would not have been easy or safe for him to take away their Estates. But I come to the limited Monarchies. They were first introduced (as was said before) by the *Goths*, and other northern People. Whence those great swarms came, as it was unknown to *Procopius* himself, who liv'd in the time of their Invasion, and who was a diligent searcher into all the circumstances of their concernments, so it is very needless for us to make any enquiry into it, thus much being clear, that they came Man, Woman, and Child, and conquer'd and possess'd all these parts of the World, which were then subject to the *Roman* Empire, and since Christianity came in have been so to the Latin Church, till honest *John Calvin* taught some of us the way how to deliver our selves from the Tyrannical Yoke, which neither we nor our Fore-fathers were able to bear. Whence those People had the Government they establish'd in these parts after their Conquest, that is, whether they brought it from their own Country, or made it themselves, must needs be uncertain, since their Original is wholly so; but it seems very probable that they had some excellent persons among them, though the ignorance and want of learning in that Age hath not suffered any thing to remain that may give us any great light; for it is plain, that the Government they settled, was both according to the exact Rules of the Politicks, and very natural and suitable to that Division they made of their several Territories. Whenever then these Invaders had quieted any Province, and that the People were driven out or subdued, they divided the Lands, and to the Prince they gave usually a tenth part, or thereabouts; to the great Men, or *Comites Regis* (as it was translated into Latin) every one (as near as they could) an equal share. These were to enjoy an Hereditary right in their Estates, as the King did in his part and in the Crown; but neither he, nor his Peers or Companions, were to have the absolute disposal of the Lands so allotted them, but were to keep a certain proportion to themselves for their use: and the rest was ordered to be divided amongst the Free-men, who came with them to conquer. What they kept to themselves was called *Demesnes* in *English* and *French*, and in *Italian*, *Beni Allodiali*. The other part which they granted to the Free-men, was called a *Feud*: and all these Estates were held of these Lords Hereditarily, only the Tenants were to pay a small Rent annually, and at every Death or Change an acknowledgment in Money, and in some Tenures the best Beast besides: But the chief condition of the *Feud* or Grant, was, that the Tenant should perform certain Services to the Lord, of which one (in all Tenures of Free-men) was to follow him armed to the Wars for the Service of the Prince and Defence of the Land. And upon their admittance to their *Feuds*, they take an Oath

to be true Vassals and Tenants to their Lords, and to pay their Rents, and perform their Services, and upon failure to forfeit their Estates; and these Tenants were divided according to their Habitations into several Mannors, in every one of which there was a Court kept twice every year, where they all were to appear, and to be admitted to their several Estates, and to take the Oath above mention'd. All these Peers did likewise hold all their Demesnes, as also all their Mannors of the Prince; to whom they swore Allegiance and Fealty: There were besides these Freemen or Francklins, other Tenants to every Lord, who were called Villains, who, were to perform all servile Offices, and their Estates were all at the Lords disposal when he pleased; these consisted mostly of such of the former Inhabitants of these Countries, as were not either destroyed or driven out, and possibly of others who were Servants amongst them, before they came from their own Countries. Perhaps thus much might have been unnecessary to be said, considering that these Lords, Tenants, and Courts, are yet extant in all the Kingdoms in *Europe*, but that to a Gentleman of *Venice*, where there are none of these things, and where the *Goths* never were, something may be said in excuse for me.

Noble Ven. 'Tis true, Sir, we fled from the *Goths* betimes, but yet in those Countries which we recovered since in *Terra firma*, we found the Footsteps of these Lords, and Tenures, and their Titles of Counts; though being now Provinces to us, they have no influence upon the Government, as I suppose you are about to prove they have in these parts.

Eng. Gent. You are right, Sir; for the Governments of *France*, *Spain*, *England*, and all other Countries where these People settled, were framed accordingly. It is not my business to describe particularly the distinct Forms of the several Governments in *Europe*, which do derive from these People (for they may differ in some of their Orders and Laws, though the Foundation be in them all the same) this would be unnecessary, they being all extant, and so well known; and besides, little to my purpose, excepting to shew where they have declined from their first Institution, and admitted of some change. *France*, and *Poland*, have not, nor as I can learn, ever had any Freemen below the Nobility; that is, had no Yeomen; but all are either Noble, or Villains, therefore the Lands must have been Originally given, as they now remain, into the hands of these Nobles. But I will come to the Administration of the Government in these Countries, and first say wherein they all agree, or did at least in their Institution, which is, That the Sovereign power is in the States assembled together by the Prince, in which he presides; these make Laws, Levy Money, Redress Grievances, punish great Officers, and the like. These States consist in some places of the Prince and Nobility only, as in *Poland*, and anciently in *France* (before certain Towns, for the encouraging of Trade, procured Privileges to send Deputies; which Deputies are now called the third Estate) and in others, consist of the Nobility and Commonality, which latter had and still have the same right to Intervene and Vote, as the great ones have both in *England*, *Spain*, and other Kingdoms.

Doct. But you say nothing of the Clergy; I see you are no great friend to them, to leave them out of your Politicks.

Eng.

Eng. Gent. The truth is, *Doctor*, I could wish there had never been any ; the purity of Christian Religion ,as also the good and orderly Government of the World, had been much better provided for without them, as it was in the Apostolical time, when we heard nothing of Clergy. But my omitting their Reverend Lordships was no neglect, for I meant to come to them in order ; for you know that the Northern People did not bring Christianity into these parts, but found it here, and were in time converted to it, so that there could be no Clergy at the first : but if I had said nothing at all of this Race, yet I had committed no Solecism in the Politicks ; for the Bishops and great Abbots intervened in the States here, upon the same Foundation that the other Peers do, *viz.* for their great possessions, and the dependence their Tenants and Vassals have upon them ; although they being a People of that great sanctity and knowledge, scorn to intermix so much as Titles with us profane Lay-Ideots, and therefore will be call'd Lords Spiritual. But you will have a very venerable opinion of them, if you do but consider how they came by these great possessions, which made them Claim a third part of the Government. And truly not unjustly by my rule, for I believe they had no less (at one time) than a third part of the Lands in most of these Countries.

Noble Ven. Pray, how did they acquire these Lands ? was it not here by the Charitable donation of pious Christians, as it was elsewhere ?

Eng. Gent. Yes, certainly, very pious men ; some of them might be well meaning People, but still such as were cheated by these holy men, who told them perpetually, both in publick and private, *that they represented God upon Earth, being ordained by Authority from him who was his Viceroy here, and that what was given to them was given to God, and he would repay it largely both in this World and the next.* This wheedle made our barbarous Ancestors, newly Instructed in the Christian Faith (if this Religion may be called so, and sucking in this foolish Doctrine more than the Doctrine of Christ) so zealous to these Vipers, that they would have pluckt out their eyes to serve them, much more bestow, as they did, the fruitfulest and best situate of their possessions upon them : Nay, some they persuaded to take upon them their Callings, vow Chastity, and give all they had to them, and become one of them, amongst whom, I believe, they found no more sanctity than they left in the World. But this is nothing to another trick they had, which was to insinuate into the most notorious and execrable Villians, with which that Age abounded ; Men, who being *Princes* and *other great Men* (for such were the Tools they work'd with) had treacherously poisoned, or otherwise murdered their nearest Relations, Fathers, Brothers, Wives, to reign, or enjoy their Estates ; These they did perswade into a belief, *that if they had a desire to be sav'd, notwithstanding their execrable Villanies, they need but part with some of those great possessions* (which they had acquired by those acts) *to their Bishopricks or Monasteries, and they would pray for their Souls, and they were so holy and acceptable to God, that he would deny them nothing ;* which they immediately performed, so great was the ignorance and blindness of that Age ; and you shall hardly find in the story of those times, any great *Monastery, Abby, or other Religious House* in any of these

these Countries (I speak confidently, as to what concerns our own *Saxons*) that had not its Foundation from some such Original.

Doct. A worthy beginning of a worthy Race!

Noble Ven. Sir, you maintain a strange Position here, That it had been better there had been no *Clergy*, would you have had no *Gospel* preached, no *Sacraments*, no continuance of *Christian Religion* in the World? or do you think that these things could have been without a *Succession* of the true *Priesthood*, or (as you call it, of true *Ministry*) by means of *Ordination*? does not your own *Church* hold the same?

Eng. Gent. You will know more of my *Church*, when I have told you what I find the word *Church* to signify in *Scripture*, which is to me the only rule of *Faith*, *Worship*, and *Manners*; neither do I seek these additional helps, of *Fathers*, *Councils*, or *Ecclesiastical* history, much less *Tradition*: for since it is said in the word of God it self, *That Antichrist did begin to work even in those days*; I can easily believe that he had brought his Work to some perfection, before the word *Church* was by him applied to the *Clergy*: I shall therefore tell you what I conceive that *Church*, *Clergy*, and *Ordination*, signified in the *Apostolical* times. I find then the word *Church* in the New Testament taken but in two Senses; the first, for the *Universal Invisible Church*, called sometimes of the *First-born*; that is, the whole number of the true Followers of Christ in the World, wherever resident, or into what part soever dispersed. The other signification of *Church* is an *Assembly*, which though it be sometimes used to express any *Meetings* (even unlawful & tumultuous ones) as well in *Scripture* as *prophane Authors*; yet it is more frequently understood, for a gathering together to the Duties of *Prayer*, *Preaching*, and *Breaking of Bread*; and the whole Number so Congregated is, both in the Acts of the Apostles, and in their holy Epistles, called the *Church*; nor is there the least colour for appropriating that word to the *Pastors* and *Deacons*, who since the Corruptions of *Christian Religion* are called *Clergy*; which word in the Old Testament is used, sometimes for *God's whole People*, and sometimes for the *Tribe of Levi*, out of which the Priests were chosen: for the word signifies a *Lot*; so that *Tribe* is called *God's Lot*, because they had no share allotted them when the Land was divided, but were to live upon *Tythe*, and serve in the functions of their *Religion*, and be *Singers*, *Porters*, *Butchers*, *Bakers*, and *Cooks*, for the *Sacrifices*, &c. So that this *Tribe* was stiled *Clergy* but figuratively, and the Allegory passed into the New Testament, where the Saints are sometimes called *Clergy*, but never the *Pastors* or *Deacons*, who were far from pretending in those days to come in the place of the *Aaronical Priesthood*. The word *Ordination* in *Scripture* signifies lifting up of hands, and is used, first, for the giving a *Suffrage*, which in all popular Assemblies was done by stretching out the hand (as it is in the Common-Hall of *London*.) In the next place it is applied to the Order or Decree made by the *Suffrage* so given, which was then (and is yet too in all Modern Languages) called an *Ordinance*, and the *Suffrage* it self *Ordination*; which word proves that the first *Christian Churches* were *Democratical*; that is, That the whole *Congregation* had the *Choice* in this, as well as the *Sovereign Authority* in all *Excommunications*, and all other matters whatsoever that could occur; for in all *Aristocratical Common-wealths* the word for choice, is *Keirothesia*, or *Imposition of Hands*, (for so the Election of all Magistrates and Officers was made)

made) and not *Keirotonia*. These *Pastors* and other *Officers* did not pretend to be by virtue of such *Choice* of a peculiar profession different from other Men, (as their *Followers* have done since *Antichrist's* Reign) but were only called and appointed (by the *Congregations* approval of their gifts or parts) to instruct or feed the Flock, visit the sick, and perform all other *Offices* of a true *Minister* (that is, *Servant*) of the *Gospel*: at other times they followed the business of their own *Trades* and *Professions*; and the *Christians* in those times (which none will deny to have been the purest of the *Church*) did never dream that a true *Pastor* ought to pretend to any *Succession*, to qualify him for the *Ministry* of the word; or that the *Idle* and *Ridiculous Ceremonies* used in your *Church* (and still continued in that which you are pleased to call mine) were any way essential or conducing to Capacitate a person to be a true *Preacher* or *Dispenser* of the *Christian Faith*. And I cannot sufficiently admire why our *Clergy*, who very justly refuse to believe the *Miracle* which is pretended to be wrought in *Transubstantiation*, because they see both the *Waser* and the *Wine* to have the same *Substance*, and the same *Accidents* (after the *Priest* has mumbled words over those *Elements*) as they had before, and yet will believe that the same kind of *Spell* or *Charm* in *Ordination* can have the Efficacy to Metamorphose a poor *Lay-Ideot* into a *Heavenly Creature*; notwithstanding that we find in them the same *humane Nature*, and the same *Necessities* of it, to which they were subject before such *Transformation*; nay, the same *Debauch*, *Profaneness*, *Ignorance*, and *Disability* to preach the *Gospel*.

Noble Ven. Sir, this discourse is very new to me. I must confess I am much inclined to join with you in believing, that the power *Priests* Exercise over *Mankind*, with the *Jurisdiction* they pretend to over *Princes* and *States*, may be a usurpation; but that they should not have a *Divine Call* to serve at the *Altar*, or that any person can pretend to perform those *Sacred Functions* without being duly *Ordained*, seems very strange.

Eng. Gen. I am not now to discourse of *Religion*; it is never very civil to do so in Conversation of persons of a different belief; neither can it be of any benefit towards a *Roman Catholick*, for if his Conscience should be never so clearly convinc'd, he is not yet *Master* of his own *Faith*, having given it up to his *Church*, of whom he must ask leave to be a *Convert*, which he will be sure never to obtain; But if you have the Curiosity when you come amongst the learned in your own *Country* (for amongst our *Ordination-Mongers*, there is a great scarcity of *Letters* and other good *Parts*) you may please to take the *Bible*, which you acknowledge to be the *Word of God* as well as we, and intreat some of them to shew you any passage, the plain and genuine sense of which can any way evince this *Succession*, this *Ordination*, or this *Priesthood*, we are now speaking of; and when you have done, if you will let your own excellent *Reason* and *Discourse* judge, and not your *Priest*, (who is too much concerned in point of Interest) I make no doubt but you will be convinced that the pretence to the dispensing of *Divine things* by virtue of a *humane Constitution*, and so ridiculous a one too, as the *Ordination* practised by your *Bishops* and ours (who descend and succeed from one and the same *Mother*) is as little Justifiable by *Scripture* and *Reason*, and full as great a *Cheat* and *Usurpation*, as the *Em-*

pire which the *Ecclesiasticks* pretend to over the *Consciences* and *persons* of men, and the Exemption from all *Secular power*.

Noble Ven. Well, Sir, though neither my *Faith* nor my *Reason* can come up to what you hold, yet the Novelty and the grace of this *Argument* has delighted me extreamly: and if that be a Sin, as I fear it is, I must confess it to my *Priest*; but I ask your pardon first, for putting you upon this long Deviation.

Eng. Gent. Well, this Digression is not without its use, for it will shorten our business (which is grown longer than I thought it would have been) for I shall mention the Clergy no more, but whenever I speak of Peerage, pray take notice that I mean both Lords Spiritual and Temporal, since they stand both upon the same foot of Property. But if you please, I will fall immediately to discourse of the Government of *England*, and say no more of those of our Neighbours, than what will fall in by the way, or be hinted to me by your Demands; for the time runs away, and I know the *Doctor* must be at home by noon, where he gives daily charitable audience to an Infinity of poor people, who have need of his help, and who send or come for it, not having the confidence to send for him, since they have nothing to give him; though he be very liberal too of his Visits to such, where he has any knowledge of them: But I spare his Modesty, which I see is concerned at the Just Testimony I bear to his Charity. The Sovereign Power of *England* then, is in King, Lords, and Commons. The Parliaments, as they are now constituted, that is, the assigning a choice to such a Number of Burroughs, as also the manner and form of Elections and Returns, did come in, as I suppose, in the time of *Henry* the third, where now our Statute-Book begins; and I must confess, I was inclined to believe, that before that time, our Yeomanry or commonalty had not formally assembled in Parliament, but been virtually included, and represented by the Peers, upon whom they depended: but I am fully convinced, that it was otherwise, by the learned Discourses lately publisht by Mr. *Petit* of the *Temple*, and Mr. *Attwood* of *Gray's-Inn*, being Gentlemen whom I do mention *honoris causa*; and really they deserve to be honour'd, that they will spare some time from the Mechanical part of their Callings (which is to assist Clients with Counsel, and to plead their Causes, and which I acknowledge likewise to be honourable) to study the true Interest of their Country, and to shew how ancient the Rights of the People in *England* are, and that in a time when neither Profit nor Countenance can be hop'd for from so ingenious an undertaking. But I beg pardon for the deviation. Of the three branches of Sovereign Power which Politicians mention, which are Enacting Laws, Levying of Taxes, and making War and Peace, the two first of them are indisputably in the Parliament; and when I say Parliament, I ever intend with the King. The last has been usually exercis'd by the Prince, if he can do it with his own Money: yet because even in that Case it may be ruinous to the Kingdom, by exposing it to an Invasion, many have affirmed that such a Power cannot be by the true and ancient free Government of *England*, suppos'd to be Intrusted in the hands of one man: And therefore we see in divers Kings Reigns, the Parliament has been Consulted, and their advice taken in those matters that have either concerned War or Leagues; And that if it has been omitted, Addresses have been made to the King by Parliaments, either to make war or peace, according to what they

they thought profitable to the publick. So that I will not determine whether that power which draws such consequences after it, be by the genuine sense of our Laws in the Prince or no; although I know of no Statute or written Record which makes it otherwise. That which is undoubtedly the King's Right, or prerogative, is to Call and Dissolve Parliaments, to preside in them, to approve of all Acts made by them, and to put in Execution, as Supreme or Sovereign Magistrate, in the Intervals of Parliaments, and during their sitting, all Laws made by them, as also the Common Law; for which Cause he has the nomination of all inferior Officers and Ministers under him, excepting such as by Law or Charter are eligible otherwise; and the Power of the Sword, to force Obedience to the Judgments given both in Criminal and Civil Causes.

Doct. Sir, You have made us a very absolute Prince; what have we left us? if the King have all this Power, what do our Liberties or Rights signify whenever he pleases?

Eng. Gent. This Objection, *Doctor*, makes good what I said before, that your skill did not terminate in the body natural, but extend to the Politick; for a more pertinent Interrogatory could never have been made by *Plato* or *Aristotle*: In answer to which, you may please to understand, that when these Constitutions were first made, our Ancestors were a plain-hearted, well-meaning People, without Court-reserves or tricks, who having made choice of this sort of Government, and having Power enough in their hands to make it take place, did not foresee, or imagine, that any thoughts of invading their Rights could enter into the Princes Head; nor do I read that it ever did, till the *Norman* Line came to Reign; which coming in by Treaty, it was obvious there was no Conquest made upon any but *Harold*, in whose stead *William* the First came, and would claim no more after his Victory, than what *Harold* enjoy'd, excepting that he might confiscate (as he did) those great men who took part with the wrong Title, and *Frenchmen* were put into their Estates; which though it made in this Kingdom a mixture between *Normans* and *Saxons*, yet produced no Change or Innovation in the Government; the *Norman* Peers being as tenacious of their Liberties, and as active in the recovery of them to the full, as the *Saxon* Families were. Soon after the death of *William*, and possibly in his time, there began some Invasions upon the Rights of the Kingdom, which begat Grievances, and afterwards Complaints and Discontents, which grew to that height, that the Peers were fain to use their Power, that is, arm their Vassals to defend the Government; whilst the Princes of that Age, first King *John*, and then *Henry* the third, got Force together. The Barons call'd in *Lewis* the Dauphin, whilst the King would have given away the Kingdom to the *Sarazens*, as he did to the Pope, and armed their own Creatures; so that a bloody War ensued, for almost forty years, off and on; as may be read in our History: The success was, that the Barons or Peers obtained in the close two Charters or Laws for the ascertaining their Rights, by which neither their Lives, Liberties, or Estates, could ever be in danger any more from any Arbitrary Power in the Prince; and so the good Government of *England*, which was before this time like the Law of Nature, only written in the hearts of Men, came to be express'd in Parchment, and remain a Record in Writing; though these Charters gave us no more than what

was

was our own before. After these Charters were made, there could not choose but happen some encroachment upon them : but so long as the Peers kept their greatness, there was no breaches but what were immediately made up in Parliament ; which whenever they assembled, did in the first place confirm the Charters, and made very often Interpretations upon them, for the benefit of the People ; witness the Statute *de Tallagio non concedendo*, and many others. But to come nearer the giving the *Doctor* an answer, you may please to understand, that not long after the framing of these fore-mentioned Charters, there did arise a Grievance not foreseen or provided for by them ; and it was such an one that had beaten down the Government at once, if it had not been redressed in an orderly way. This was the Intermiſſion of Parliaments, which could not be called but by the Prince ; and he not doing of it, they ceas'd to be assembled for some years : if this had not been speedily remedied, the Barons must have put on their Armour again ; for who can imagine that such brisk Assertors of their Rights could have acquiesced in an Omission that ruin'd the Foundation of the Government, which consisting of King, Lords, and Commons, and having at that time marched near five hundred years upon three Legs, must then have gone on hopping upon one ; which could it have gone forward (as was impossible whilst Property continued where it was) yet would have rid but a little way. Nor can it be wonder'd at, that our great Men made no provision against this Grievance in their Charters, because it was impossible for them to imagine that their Prince, who had so good a share in this Government, should go about to destroy it, and to take that burden upon himself, which by our Constitution was undeniably to be divided between him and his Subjects : And therefore divers of the great Men of those times speaking with that excellent Prince King *Edward* the first about it, he, to take away from his People all fear and apprehension that he intended to change the Ancient Government, called speedily a Parliament, and in it consented to a Declaration of the Kingdoms Right in that point ; without the clearing of which, all our other Laws had been useless, and the Government it self too ; of which the Parliament is (at the least) as essential a part as the Prince ; so that there passed a Law in that Parliament that one should be held every year, and oftner if need be ; which like another *Magna Charta*, was confirmed by a new Act made in the time of *Edward* the third, that glorious Prince : nor were there any Sycophants in those days, who durst pretend Loyalty by using Arguments to prove that it was against the Royal Prerogative, for the Parliament to entrench upon the King's Right of calling and dissolving of Parliaments ; as if there were a Prerogative in the Crown, to choose whether ever a Parliament should assemble, or no ; I would desire no more, if I were a Prince, to make me Grand Signior. Soon after this last Act, the King, by reason of his Wars with *France* and *Scotland*, and other great Affairs, was forced sometimes to end his Parliaments abruptly, and leave business undone, (and this not out of Court-tricks, which were then unknown) which produced another Act not long after, by which it was provided, That no Parliament should be dismiss'd, till all the Petitions were answered ; That is, in the Language of those times, till all the Bills (which were then stiled Petitions) were finished.

Doct.

Doct. Pray, Sir, give me a little account of this last Act you speak of; for I have heard in Discourse from many Lawyers, that they believe there is no such.

Eng. Gent. Truly, Sir, I shall confess to you, that I do not find this Law in any of our Printed Statute-Books; but that which first gave me the knowledge of it was, what was said about three years ago in the House of Commons, by a worthy and Learned Gentleman, who undertook to produce the Record in the Reign of *Richard* the Second; and since I have questioned many Learned Counsellors about it, who tell me there is such a one; and one of them, who is counted a Prerogative-Lawyer, said it was so, but that Act was made in Factionous times. Besides, I think it will be granted, that for some time after and particularly in the Reigns of *Henry* the 4th, *Henry* the 5th, and *Henry* the 6th, it was usual for a Proclamation to be made in *Westminster-Hall*, before the end of every Session, that all those that had any matter to present to the Parliament, should bring it in before such a day, for otherwise the Parliament at that day should determine. But if there were nothing at all of this, nor any Record extant concerning it; yet I must believe that it is so by the Fundamental Law of this Government, which must be lame and imperfect without it; for it is all one to have no Parliaments at all but when the Prince pleases, and to allow a power in him to dismiss them when he will, that is, when they refuse to do what he will; so that if there be no Statute, it is certainly because our wise Ancestors thought there needed none, but that by the very Essence and Constitution of the Government it is provided for: and this we may call (if you had rather have it so) the Common-Law, which is of as much value (if not more) than any Statute, and of which all our good Acts of Parliament and *Magna Charta* it self is but Declaratory; so that your Objection is sufficiently answered in this, That though the King is intrusted with the formal part of summoning and pronouncing the Dissolution of Parliaments, which is done by his Writ, yet the Laws (which oblige him as well as us) have determin'd how and when he shall do it; which is enough to shew, that the King's share in the Sovereignty, that is, in the Parliament, is cut out to him by the Law, and not left at his disposal. Now I come to the King's part in the Intervals of Parliament.

Noble Ven. Sir, before you do so, pray tell us what other Prerogatives the King enjoys in the Government; for otherwise, I, who am a *Venetian*, may be apt to think that our Doge, who is call'd our Prince may have as much Power as yours.

Eng. Gen. I am in a fine condition amongst you with my Politicks: the *Doctor* tells me I have made the King Absolute, and now you tell me I have made him a Doge of *Venice*; But when your Prince has Power to dispose of the Publick Revenue, to name all Officers Ecclesiastical and Civil that are of trust and profit in the Kingdom, and to dispose absolutely of the whole Militia by Sea and Land, then we will allow him to be like ours, who has all these Powers.

Doct. Well, you puzzle me extremely; for when you had asserted the King's Power to the heighth, in Calling and Dissolving Parliaments, you gave me such satisfaction, and shewed me wherein the Law had provided, that this vast Prerogative could not hurt the People, that I was fully satisfied, and had not a word to say; Now you come

about again, and place in the Crown such a Power, which in my Judgment is inconsistent with our Liberty.

Eng. Gent. Sir, I suppose you mean chiefly the Power of the Militia, which was, I must confess, doubtful, before a late Statute declar'd it to be in the King: For our Government hath made no other disposal of the Militia than what was natural, *viz.* That the Peers in their several Counties, or Jurisdictions, had the Power of calling together their Vassals, either armed for the Wars, or only so as to cause the Law to be executed by serving Writs; and in case of resistance, giving possession: which Lords amongst their own Tenants did then perform the two several Offices of Lord-Lieutenant, and Sheriff; which latter was but the Earls Deputy, as by his Title of *Vice-Comes* does appear. But this latter being of daily necessity, and Justice it self, that is, the Lives, Liberties and estates of all the People in that County depending upon it, when the greatness of the Peers decay'd (of which we shall have occasion to speak hereafter) the Electing of Sheriff was referred to the County-Court, where it continued till it was placed where it now is by a Statute. For the other part of the Militia, which is, the Arming the People for War, it was *de facto* exercised by Commission from the King, to a Lord-Lieutenant (as an image of the Natural Lord) and other Deputies; and it was tacitely consented to, though it were never settled by Statute (as I said before) till His Majesty's happy Restoration. But to answer you, I shall say, That whatever Powers are in the Crown, whether by Statute or by old Prescription, they are, and must be understood to be intrusted in the Prince, for the preservation of the Government, and for the safety and interest of the People; and when either the Militia, which is given him for the execution and support of the Law, shall be employed by him to subvert it (as in the case of Ship-Money it was) or the Treasure shall be mis-apply'd, and made the Revenue of Courtiers and Sycophants (as in the time of *Edward* the Second) or worthless or wicked People shall be put into the greatest places, as in the reign of *Richard* the Second; In this case, though the Prince here cannot be questionable for it, (as the Kings were in *Sparta*, and your Doges I believe would be) yet it is a great violation of the trust reposed in him by the Government, and a making that Power, which is given him by Law, unlawful in the Execution. And the frequent examples of Justice inflicted in Parliament upon the King's Ministers for abusing the Royal Power, shews plainly that such authority is not left in his hands to use as he pleases. Nay, there have befallen sad troubles and dangers to some of these Princes themselves, who have abused their Power to the prejudice of the Subjects; which although they are no way justifiable, yet may serve for an Instruction to Princes, and an example not to hearken to ruinous Councils: for men when they are enraged do not always consider Justice of Religion, passion being as natural to man as reason and virtue, which was the Opinion of divine *Machiavel*. To answer you then, I say, That though we do allow such Powers in the King, yet since they are given him for edification and not destruction, and cannot be abused without great danger to his Ministers, and even to himself; we may hope that they can never be abused but in a broken Government: And if ours be so (as we shall see anon) the fault of the ill
execution

execution of our Laws is not to be imputed either to the Prince or his Ministers; excepting that the latter may be, as we said before, justly punishable for not advising the Prince to consent to the mending the frame; of which we shall talk more hereafter: but in the mean time I will come to the Kings other Prerogatives, as having all Royal Mines, the being serv'd first before other Creditors where money is due to him, and to have a speedier and easier way than his Subjects to recover his debts and his Rents, &c. But to say all in one word, when there arises any doubt whether any thing be the king's Prerogative or no, this is the way of deciding it, *viz.* To consider whether it be for the good and protection of the people that the King have such a Power; For the definition of Prerogative is a considerable part of the Common Law, by which Power is put into the Prince for the Preservation of his People. And if it be not for the good of his Subjects, it is not Prerogative, not Law, for our Prince has no Authority of his own, but what was first intrusted in him by the Government, of which he is Head; nor is it to be imagin'd that that they would give him more Power than what was necessary to Govern them. For example, the power of pardoning Criminals condemned, is of such use to the Lives and Estates of the People, that without it many would be expos'd to die unjustly; As lately a poor Gentleman, who by means of the Harangue of a Strepitous Lawyer was found guilty of Murder, for a Man he never kill'd; or if he had, the fact had been but Man-slaughter; and he had been inevitably murder'd himself, if his Majesty had not been graciously pleas'd to extend his Royal Mercy to him; As he did likewise vouchsafe to do to a Gentleman convicted for speaking words he never uttered; or if he had spoken them, they were but foolishly, not maliciously spoken. On the other side, if a controversy should arise, as it did in the beginning of the last Parliament, between the House of Commons, and the Prerogative-Lawyers, about the choice of their Speaker, these latter having interest'd his Majesty in the Contest, and made him, by consequence, disoblige, *in limine*, a very Loyal, and a very Worthy Parliament; and for what? for a Question, which if you will decide it the right way, will be none: for setting aside the Presidents, and the History when the Crown first pretended to any share in the Choice of a Speaker, which Argument was very well handled by some of the Learned Patriots then, I would have leave to ask, what man can shew, and what reason can be alledged, why the protection and welfare of the People should require that a Prerogative should be in the Prince to chuse the Mouth of the House of Commons, when there is no particular person in his whole Dominion that would not think it against his Interest, if the Government had given the King Power to nominate his Baliff, his Attorney, or his Referree in any Arbitration? Certainly there can be no advantage either to the Sovereign or his Subjects, that the person whose Office it is to put their deliberations into fitting words, and express all their requests to his Majesty, should not be entirely in their own Election and appointment; which there is the more reason for too, because the speakers for many years past have received Instructions from the Court, and have broken the Priviledges of the House, by revealing their Debates, Adjourning them without a Vote, and committed

mitted many other Misdemeanors, by which they have begotten an ill understanding between the King and his House of Commons, to the infinite prejudice both of his Majesty's Affairs, and his People. Since I have given this rule to Judge Prerogative by, I shall say no more of it; for as to what concerns the King's Office in the Intervals of Parliament, it is wholly Ministerial, and is barely to put in Execution the Common Law and the Statutes made by the Sovereign Power, that is, by Himself and the Parliament, without varying one tittle, or suspending, abrogating, or neglecting the Execution of any Act whatsoever; and to this he is Solemnly Sworn at his Coronation: And all his Power in this behalf is in him by Common Law, which is Reason it self, written as well in the hearts of rational Men, as in the Lawyers Books.

Noble Ven. Sir, I have heard much talk of the King's Negative Voice in Parliaments, which in my Opinion is as much as a Power to frustrate, when he pleases, all the endeavours and labours of his People, and to prevent any good that might accrue to the Kingdom by having the right to meet in Parliament: for certainly, if we in *Venice* had placed any such Prerogative in our Duke, or in any of our Magistracies, we could not call our selves a free People.

Eng. Gent. Sir, I can answer you as I did before, that if our Kings have such a Power, it ought to be used according to the true and genuine intent of the Government, that is, for the Preservation and Interest of the people, and not for the disappointing the Counsels of a Parliament, towards reforming Grievances, and making provision for the future execution of the Laws; and whenever it is applied to frustrate those ends, it is a violation of Right, and infringement of the King's Coronation-Oath; in which there is this Clause, That he shall *Confirmare consuetudines*, (which in the Latin of those times is *leges quas vulgus elegerit*. I know some Criticks, who are rather Grammarians than Lawyers, have made a distinction between *elegerim* and *elegero*, and will have it, That the King Swears to such Laws as the people shall have chosen, and not to those they shall chuse. But in my Opinion, if that Clause had been intended only to oblige the King to execute the Laws made already, it might have been better expressed by *servare consuetudines*, than by *confirmare consuetudines*; besides that he is by another clause in the same Oath sworn to execute all the Laws. But I shall leave this Controversy undecided; those who have a desire to see more of it, may look into those quarrelling Declarations, *pro* and *con*, about this matter, which preceded our unhappy Civil Wars. This is certain, that there are not to be found any Statutes that have passed, without being presented to his Majesty, or to some commissioned by him; but whether such Addresses were intended for Respect and Honour to His Majesty, as the Speaker of the House of Commons and the Lord Mayor of *London* are brought to him, I leave to the Learned to Discourse; only thus much we may affirm, That there never were yet any Parliamentary Requests, which did highly concern the Publick, presented to any King, and by him refused, but such denials did produce very dismal effects, as may be seen in our Histories ancient and late; it being certain, that both the Barons Wars, and our last dismal Combustions, proceeded from no other cause than the denial of the Princes then reigning to consent to the desires of the States of the Kingdom: and such hath been the wisdom and goodness of our present
gracious

gracious Prince, that in twenty years and somewhat more, for which time we have enjoy'd him since his happy Restoration, he hath not exercis'd his Negative Voice towards more than one publick Bill; and that too, was to have continued in force (if it had passed into an Act) but for six Weeks, being for raising the Militia for so long time; and as for the private Bills, which are matters of meer grace, it is unreasonable his Majesty should be refused that Right that every *Englishman* enjoys, which is not to be obliged to dispence his favours but where he pleases. But for this point of the Negative Vote, it is possible that when we come to discourse of the Cure of our Political Distemper, some of you will propose the clearing and explanation of this matter, and of all others which may concern the King's Power and the People's Rights.

Noble Ven. But pray, Sir, have not the House of Peers a Negative Voice in all Bills? how come they not to be obliged to use it for the Publick Good?

Eng. Gent. So they are, no doubt, and the Commons too; but there is a vast difference between a deliberative Vote which the Peers have with their Negative, and that in the Crown to blast all without deliberating. The Peers are Co-ordinate with the Commons in presenting and hammering of Laws, and may send Bills down to them, as well as receive any from them, excepting in matters wherein the People are to be taxed: and in this our Government imitates the best and most perfect Common-wealths that ever were; where the Senate assisted in the making of Laws, and by their wisdom and dexterity, polished, fil'd, and made ready things for the more populous Assemblies; and sometimes by their gravity and moderation, reduced the People to a Calmer State, and by their authority and credit stem'd the Tide, and made the Waters quiet, giving the People time to come to themselves. And therefore if we had no such Peerage now upon the old Constitution, yet we should be necessitated to make an artificial Peerage or Senate instead of it: which may assure our present Lords, that though their Dependences and Power are gone, yet that we cannot be without them; and that they have no need to fear an annihilation by our Reformation, as they suffered in the late mad times. But I shall speak a word of the people's Rights, and then shew how this brave and excellent Government of *England* came to decay.

The People by the Fundamental Laws, that is, by the Constitution of the Government of *England*, have entire freedom in their Lives, Properties, and their Persons; neither of which can in the least suffer, but according to the Laws already made, or to be made hereafter in Parliament, and duly publisht: and to prevent any oppression that might happen in the execution of these good Laws, which are our Birth-right, all Trials must be by twelve Men of our equals, and our Neighbourhood; These in all Civil Causes judge absolutely, and decide the matter of Fact, upon which the matter of Law depends; but if where matter of Law is in question, these twelve Men shall refuse to find a special Verdict at the direction of the Court, the Judge cannot controul it, but their Verdict must be recorded. But of these matters, as also of Demurrers, Writs of Error, and Arrests of Judgment, &c. I have discours'd to this Gentleman (who is a Stranger) before now; neither does the understanding of the Execution of our Municipal Laws at all belong to this discourse: Only it is to be noted, that these Juries, or

twelve Men, in all Trials or Causes which are Criminal, have absolute Power, both as to matter of Law and Fact (except the Party by Demurrer confess the matter of Fact, and take it out of their hands.) And the first question the Officer asks the Foreman, when they all come in to deliver their Verdict, is this, Is he Guilty in manner and form as he is Indicted, or not Guilty? which shews plainly, that they are to Examine and Judge, as well whether, and how far the Fact committed is Criminal, as whether the person charged hath committed that Fact. But though by the Corruption of these times (the infallible consequences of a broken frame of Government) this Office of the Juries and Right of *Englishmen* have been of late question'd, yet it hath been strongly and effectually vindicated by a learned Author of late, to whom I refer you for more of this matter. I shall say no more of the Rights of the People, but this one thing, That neither the King, nor any by Authority from him, hath any the least Power or Jurisdiction over any *Englishman*, but what the Law gives them; and that although all Commissions and Writs go out in the King's Name, yet his Majesty hath no right to Issue out any Writ (with advice of his Council, or otherwise) excepting what come out of his Courts; nor to alter any Clause in a Writ, or add any thing to it. And if any person shall be so wicked as to do any Injustice to the Life, Liberty, or Estate of any *Englishman*, by any private command of the Prince, the person aggrieved, or his next of kin (if he be assassinated) shall have the same remedy against the Offender, as he ought to have had by the good Laws of this Land, if there had been no such Command given; which would be absolutely void and null, and understood not to proceed from that Royal and lawful Power which is vested in his Majesty for the Execution of Justice, and the protection of his People.

Doct. Now I see you have done with all the Government of *England*; pray before you proceed to the decay of it, let me ask you what you think of the Chancery, whether you do not believe it a Solecism in the Politicks to have such a Court amongst a free People; what good will *Magna Charta*, the Petition of Right, or St. *Edward's* Laws do us to defend our Property, if it must be entirely subjected to the arbitrary disposal of one man, whenever any impertinent or petulant person shall put in a Bill against you? How inconsistent is this Tribunal with all that hath been said in defence of our rights, or can be said? Suppose the Prince should in time to come so little respect his own honour and the Interest of his People, as to place a covetous or revengeful person in that great Judicatory, what remedy have we against the Corruption of Registers, who make what Orders they please; Or against the whole Hierarchy of Knavish Clerks, whilst not only the punishing and reforming misdemeanors depend upon him, who may without controul be the most guilty himself, but that all the Laws of *England* stand there arraigned before him, and may be condemned when he pleases? Is there, or ever was there any such Tribunal in the World before, in any Country?

Eng. Gent. Doct. I find you have had a Suit in Chancery, but I do not intend to contradict or blame your Orthodox Zeal in this point: This Court is one of those Buildings that cannot be repaired, but must be demolished. I could inform you how excellently matters of Equity are Administred in other Countries; And this worthy Gentleman could tell you of the Venerable *Quaranzia's* in his City, where
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the Law as well as the Fact, is at the Bar, and subject to the Judges, and yet no complaint made or grievance suffered: but this is not a place for it, this is but the super-structure; we must settle the foundation first; every thing else is as much out of Order as this. Trade is gone, Suits are endless, and nothing amongst us harmonious: but all will come right when our Government is mended, and never before, though our Judges were all Angels: this is the *primum quærite*; when you have this, all other things shall be added unto you; when that is done, neither the Chancery (which is grown up to this since our Ancestors time) nor the Spiritual Courts, nor the Cheats in trade, nor any other abuses, no not the Gyant Popery itself, shall ever be able to stand before a Parliament, no more than one of us can live like a Salamander in the fire.

Noble Ven. Therefore, Sir, pray let us come now to the decay of your Government, that we may come the sooner to the happy Restoration.

Eng. Gent. This harmonious Government of *England* being founded as has been said upon Property, it was impossible it should be shaken, so long as Property remain'd where it was placed: for if, when the ancient Owners the *Britains* fled into the Mountains, and left their Lands to the Invaders (who divided them, as is above related) they had made an *Agrarian* Law to fix it; then our Government, and by consequence our Happiness had been for ought we know Immortal: for our Constitution, as it was really a mixture of the three, which are *Monarchy*, *Aristocracy*, and *Democracy* (as has been said) so the weight and predominancy remain'd in the *Optimacy*, who possessed nine parts in ten of the Lands; And the Prince but about a tenth part. In this I count all the People's share to the Peers, and therefore do not trouble my self to enquire what proportion was allotted to them, for that although they had an Hereditary Right in their Lands, yet it was so clog'd with Tenures and Services, that they depended, as to publick matters, wholly on their Lords, who by them could serve the King in his Wars; and in time of Peace, by leading the people to what they pleased: Could keep the Royal Power within its due bounds, and also hinder and prevent the people from invading the Rights of the Crown; so that they were the Bulwarks of the Government, which in effect was much more an *Aristocracy*, than either a *Monarchy* or *Democracy*: and in all Governments, where Property is mix'd, the Administration is so too: And that part which hath the greater share in the Lands, will have it too in the Jurisdiction: And so in Common-wealths, the Senate or the People have more or less Power, as they have more or fewer possessions; as was most visible in *Rome*, where in the beginning, the *Patricii* could hardly bring the People to any thing; but afterwards, when the *Asiatick* Conquests had enrich'd the Nobility to that degree, that they were able to purchase a great part of the Lands in *Italy*, the People were all their Clients, and easily brought even to cut the throats of their Redeemers the *Gracchi*, who had carried a Law for restoring them their Lands. But enough of this before, I will not trouble my self nor you, to search into the particular causes of this change, which has been made in the possessions here in *England*; but it is visible that the fortieth part of the Lands which were at the beginning in the hands of the Peers and Church, is not there now; besides that not only

only all Villanage is long since abolished, but the other Tenures are so altered and qualified, that they signify nothing towards making the Yeomanry depend upon the Lords. The consequence is, That the natural part of our Government, which is Power, is by means of Property in the hands of the People, whilst the artificial part, or the Parchment, in which the Form of Government is written, remains the same. Now Art is a very good servant and help to Nature, but very weak and inconsiderable, when she opposes her, and fights with her: it would be a very *Impar congressus*, between Parchment and Power: This alone is the cause of all the disorder you heard of, and now see in *England*, and of which every man gives a reason according to his own fancy, whilst few hit the right cause: some impute all to the decay of Trade, others to the growth of Popery; which are both great Calamities, but they are Effects, and not Causes; And if in private Families there were the same causes, there would be the same effects. Suppose now you had five or six thousand Pounds a year, as it is probable you have, and keep forty Servants, and at length, by your neglect, and the industry and thrift of your Domesticks, you sell one thousand to your Steward, another to your Clerk of the Kitchen, another to your Bayliff, till all are gone; can you believe that these Servants, when they had so good Estates of their own, and you nothing left to give them, would continue to live with you, and to do their service as before? It is just so with a whole Kingdom. In our Ancestor's times, most of the Members of our House of Commons thought it an honour to retain to some great Lord, and to wear his blew Coat: And when they had made up their Lord's train, and waited upon him from his own House to the Lord's House, and made a Lane for him to enter, and departed to sit themselves in the Lower House of Parliament, as it was then (and very justly) called; can you think that any thing could pass in such a Parliament that was not ordered by the Lords? Besides, these Lords were the King's great Council in the Intervals of Parliaments, and were called to advise of Peace and War; and the latter was seldom made without the consent of the major part; if it were not, they would not send their Tenants, which was all the Militia of *England* (besides the King's tenth part.) Can it be believed, that in those days the Commons should dislike any thing the Lords did in the Intervals, or that they would have disputed their Right to receive Appeals from Courts of Equity, if they had pretended to it in those days, or to mend Money-bills? And what is the reason, but because the Lords themselves at that time represented all their Tenants (that is, all the People) in some sort? and although the House of Commons did assemble to present their Grievances, yet all great Affairs of high Importance concerning the Government, was transacted by the Lords; and the War which was made to preserve it, was called the Baron's Wars, not the War of both Houses: for although in antienter times the word *Baron* were taken in a larger sense, and comprehended the *Franklins* or *Freemen*; yet who reads any History of that War, shall not find that any mention is made of the concurrence of any assembly of such men, but that *Simon Monford* Earl of *Leicester*, and others of the great ones, did by their Power and Interest manage that contest. Now if this Property, which is gone out of the Peerage into the Commons, had passed into the King's hands, as it did in *Egypt* in the time of *Joseph*, as was before said, the Prince

Prince had had a very easy and peaceable reign over his own Vassals, and might either have refused, justly, to have assembled the Parliament any more; or if he had pleased to do it, might have for ever managed it as he thought fit; But our Princes have wanted a *Joseph*; that is, a wise Counsellor; and instead of saving their Revenue, which was very great, and their expences small, and buying in those Purchases which the vast expences and luxury of the Lords made ready for them, they have alienated their own Inheritance; so that now the Crown-Lands, that is, the publick Patrimony, is come to make up the interest of the Commons, whilst the King must have a precarious Revenue out of the Peoples Purses, and be beholding to the Parliament for his Bread in time of Peace; whereas the Kings their Predecessors never asked Aid of his Subjects, but in time of War and Invasion: and this alone (though there were no other decay in the Government) is enough to make the King depend upon his People; which is no very good condition for a Monarchy.

Noble Ven. But how comes it to pass that other Neighbouring Countries are in so settled a State in respect of *England*? does their Property remain the same it was, or is it come into the hands of the Prince? You know you were pleased to admit, that we should ask you, *en passant*, something of other Countries.

Eng. Gent. Sir I thank you for it, and shall endeavour to satisfy you. I shall say nothing of the small Princes of *Germany*, who keep in a great measure their ancient bounds, both of Government and Property; and if their Princes now and then exceed their part, yet it is in time of Troubles and War, and things return into their right Channel of Assembling the several States, which are yet in being every where: But *Germany* lying so exposed to the Invasion of the *Turks* on the one side, and of the *French* on the other; and having ever had enough to do to defend their several Liberties against the encroachments of the House of *Austria* (in which the Imperial dignity is become in some sort Hereditary) if there had been something of extraordinary power exercised of late years, I can say *Inter arma silent leges*: but besides their own particular States, they have the Diet of the Empire, which never fails to mediate and compose things, if there be any great oppression used by Princes to their subjects, or from one Prince or State to another. I shall therefore confine my self to the three great Kingdoms, *France*, *Spain*, and *Poland*; for as to *Denmark* and *Sweden*, the first hath lately chang'd its Government, and not only made the Monarchy Hereditary, which was before Elective, but has pull'd down the Nobility, and given their Power to the Prince; which how it will succeed, time will shew. *Sweden* remains in point of Constitution and Property exactly as it did anciently, and is a well-Governed Kingdom. The first of the other three is *France*, of which I have spoken before, and shall only add, That though it be very true, that there is Property in *France*, and yet the Government is Despotical at this present, yet it is one of those violent States, which the *Grecians* call'd Tyrannies: For if a Lawfull Prince, that is, one who being so by Law, and sworn to rule according to it, breaks his Oaths and his Bonds, and reigns Arbitrarily, he becomes a Tyrant and an Usurper, as to so much as he assumes more than the Constitution hath given him; and such a Government, being as I said violent, and not natural, but contrary to the Interest of the

people, first cannot be lasting, when the adventitious props which support it fail; and whilst it does endure, must be very uneasy both to Prince and People; the first being necessitated to use continual oppression, and the latter to suffer it.

Doct. You are pleased to talk of the oppression of the People under the King of *France*, and for that reason, call it a violent Government, when, If I remember, you did once to day extol the Monarchy of the *Turks* for well-founded and natural; Are not the people in that Empire as much oppressed as in *France*?

Eng. Gent. By no means; unless you will call it oppression for the grand Signior to feed all his People out of the Product of his own Lands; and though they serve him for it, yet that does not alter the Case for if you set poor men to work and pay them for it, are you a Tyrant, or rather, are not you a good Common-wealths-man, by helping those to live, who have no other way of doing it but by their labour? But the King of *France* knowing that his People have, and ought to have, Property, and that he has no right to their Possessions, yet takes what he pleases from them, without their consent, and contrary to Law; So that when he sets them on work he pays them what he pleases, and that he levies out of their own Estates. I do not affirm that there is no Government in the World, but where Rule is founded in Property; but I say there is no natural fixed Government, but where it is so; and when it is otherwise the People are perpetually complaining, and the King in perpetual anxiety, always in fear of his Subjects, and seeking new ways to secure himself; God having been so merciful to mankind, that he has made nothing safe for Princes, but what is Just and Honest.

Noble Ven. But you were saying just now, that this present Constitution in *France* will fall when the props fail; we in *Italy*, who live in perpetual fear of the greatness of that Kingdom, would be glad to hear something of the decaying of those props; What are they, I beseech you?

Eng. Gent. The first is the greatness of the present King, whose heroick Actions and Wisdom has extinguished envy in all his Neighbour-Princes, and kindled fear, and brought him to be above all possibility of control at home; not only because his Subjects fear his Courage, but because they have his Virtue in admiration, and amidst all their miseries cannot chuse but have something of rejoicing, to see how high he hath mounted the Empire and Honour of their Nation. The next prop is the change of their ancient Constitution, in the time of *Charles* the Seventh, by Consent: for about that time the Country being so wasted by the Invasion and Excursions of the *English*, The States then assembled Petitioned the King that he would give them leave to go home, and dispose of Affairs himself, and Order the Government for the future as he thought fit. Upon this, his Successor *Lewis* the Eleventh, being a crafty Prince, took an occasion to call the States no more, but to supply them with an *Assemble des notables*, which were certain men of his own nomination, like *Barbones* Parliament here, but that they were of better quality: These in succeeding reigns (being the best men of the Kingdom) grew Troublesome and Intractable; so that for some years the Edicts have been verified (that is in our Language) Bills have been passed in the Grand Chamber of the Parliament at *Paris*, commonly called the *Chambre d' audience*, who lately, and since the Imprisonment of President *Brousselles* and others during this King's Minority,

Minority, have never refused or scrupled any Edicts whatsoever. Now whenever this great King dies, and the States of the Kingdom are restored, these two great props of Arbitrary Power are taken away. Besides these two, the Constitution of the Government of *France* it self, is somewhat better fitted than ours to permit extraordinary Power in the Prince, for the whole People there possessing Lands, are Gentlemen; that is, infinitely the greater part; which was the reason why in their Assembly of Estates, the Deputies of the Provinces (which we call here Knights of the Shire) were chosen by, and out of the Gentry, and sat with the Peers in the same Chamber, as representing the Gentry only, called *petite noblesse*. Whereas our Knights here (whatever their blood is) are chosen by Commoners, and are Commoners; our Laws and Government taking no notice of any Nobility but the persons of the Peers, whose Sons are likewise Commoners, even their eldest, whilst their Father lives: Now Gentry are ever more tractable by a Prince, than a wealthy and numerous Commonalty; out of which our Gentry (at least those we call so) are raised from time to time: For whenever either a Merchant, Lawyer, Tradesman, Grasier, Farmer, or any other, gets such an Estate, as that he or his Son can live upon his Lands, without exercising of any other Calling, he becomes a Gentleman. I do not say, but that we have men very Nobly descended amongst these, but they have no preheminance, or distinction, by the Laws or Government. Besides this the Gentry in *France* are very needy, and very numerous; the reason of which is, That the Elder Brother, in most parts of that Kingdom, hath no more share in the division of the Paternal Estate, than the Cadets or Younger Brothers, excepting the Principal House, with the Orchards and Gardens about it, which they call *Voll de Chappon*, as who should say, As far as a Capon can fly at once. This House gives him the Title his Father had, who was called Signior, or Baron, or Count of that place; which if he sells, he parts with his Baronship, and for ought I know becomes in time *roturier*, or ignoble. This practice divides the Lands into so many small parcels, that the Possessors of them being Noble, and having little to maintain their Nobility, are fain to seek their Fortune, which they can find no where so well as at the Court, and so become the King's Servants and Soldiers, for they are generally Couragious, Bold, and of a good Mien. None of these can ever advance themselves, but by their desert, which makes them hazard themselves very desperately, by which means great numbers of them are kill'd, and the rest come in time to be great Officers, and live splendidly upon the King's Purse, who is likewise very liberal to them, and according to their respective merits, gives them often, in the beginning of a Campagne, a considerable sum to furnish out their Equipage. These are a great Prop to the Regal Power, it being their Interest to support it, lest their gain should cease, and they be reduced to be poor *Provinciaux*, that is, Country-Gentlemen again: whereas, if they had such Estates as our Country-Gentry have, they would desire to be at home at their ease, whilst these (having ten times as much from the King as their own Estate can yield them, which supply must fail, if the King's Revenue were reduced) are perpetually engaged to make good all exorbitances.

Doct. This is a kind of governing by Property too, and it puts me in mind of a Gentleman of good Estate in our Country, who took a Tenant's

Tenant's Son of his to be his Servant, whose Father not long after dying, left him a Living of about ten Pound a year: the young Man's Friends came to him, and asked him why he would serve now he had an Estate of his own able to maintain him: his Answer was, That his own Lands would yield him but a third part of what his Service was worth to him in all; besides, that he lived a pleasant Life, wore good Cloaths, kept good Company, and had the conversation of very pretty Maids that were his Fellow-servants, which made him very well digest the name of being a Servant.

Eng. Gent. This is the very Case; but yet Service (in both these Cases) is no Inheritance; and when there comes a peaceable King in *France*, who will let his Neighbours be quiet, or one that is covetous, these fine Gentlemen will lose their Employments, and their King this Prop; and the rather, because these Gentlemen do not depend (as was said before) in any kind upon the great Lords (whose standing Interest is at Court) and so cannot in a change, be by them carried over to advance the Court-designs against their own good and that of their Country. And thus much is sufficient to be said concerning *France*. As for *Spain*, I believe there is no Country (excepting *Sweden*) in Christendom, where the Property has remained so entirely the same it was at the beginning; and the reason is, the great and strict care that is taken to hinder the Lands from passing out of the old owners hands; for except it be by Marriages, no Man can acquire another Man's Estate, nor can any Grandee, or Titulado, or any other Hidalgo there, alienate or engage his Paternal or Maternal Estate, otherwise than for his Life; nor can alter Tenures, or extinguish Services, or dismember Mannors: for to this the Prince's consent must be had, which he never gives, till the matter be debated in the *Consejo de Camera*, which is no *Junta* or secret *Consejo de Guerras*, but one wherein the great Men of the Kingdom intervene, and wherein the great matters concerning the preservation of the Government are transacted, not relating to Foreign Provinces or Governments, but to the Kingdom of *Castile* and *Leon*, of which I only speak now. It is true, there have been one or two exceptions against this severe Rule, since the great calamities of *Spain*, and two great Lordships have been sold, the *Marquisate del Monastero*, to an *Assent ista Genoese*, and another to *Sebastian Cortiza* a *Portuguese*, of the same Profession: but both these have bought the intire Lordships, without curtailing or altering the condition in which these two great Estates were before; and notwithstanding, this hath caused so much repining amongst the natural *Godos* (as the *Castilians* call themselves still for glory) that I believe this will never be drawn into an Example hereafter. Now the Property remaining the same, the Government doth so too, and the King's Domestick Government, over his natural *Spaniards*, is very gentle, whatever it be in his conquer'd Provinces; and the Kings there have very great advantages of keeping their great Men (by whom they govern) in good temper, by reason of the great Governments they have to bestow upon them, both in *Europe* and the *Indies*; which changing every three years, go in an Age through all the Grandees, which are not very numerous. Besides, *Castile* having been in the time of King *Roderigo* over-run and conquered by the *Moors*, who governed there despotically, some hundreds of years, before it could be recovered again by the old Inhabitants, who fled to the Mountains; When they were

were at length driven out, the Count of *Castile* found a Tax set upon all Commodities whatsoever, by the *Moors*, in their Reign, called *Alcaval*, which was an easy matter to get continued (when their old Government was restored) by the *Cortes*, or States; and so it has continued ever since, as the Excise has done here, which being imposed by them who drove and kept out the King, does now since his happy Restoration remain a Revenue of the Crown. This *Alcaval*, or Excise, is a very great Revenue, and so prevented, for some time, the necessities of the Crown, and made the Prince have the less need of asking Relief of his People, (the ordinary cause of disgust,) so that the *Cortes*, or Assembly of the States, has had little to do of late, though they are duly assembled every year, but seldom contradict what is desired by the Prince; for there are no greater Idolaters of their Monarch in the World than the *Castilians* are, nor who drink deeper of the Cup of Loyalty: so that in short, the Government in *Spain* is as ours was in Queen *Elizabeth's* time, or in the first year after his now Majesty's Return, when the Parliament for a time complimented the Prince, who had by that means both his own Power and the People's: which Days I hope to see again, upon a better and more lasting Foundation. But before I leave *Spain*, I must say a word of the Kingdom of *Arragon*, which has not at all times had so quiet a state of their Monarchy as *Castile* hath enjoyed; for after many Com-bustions which happened there, concerning their *Fueros* and *Privilegios*, which are their Fundamental Laws, the King one day coming to his Seat in Parliament, and making his demands, as was usual, they told him that they had a Request to make to him first; and he withdrawing thereupon, (for he had no right of sitting there to hear their Debates) they fell into discourse how to make their Government subsist against the Encroachments of the Prince upon them, and went very high in their Debates, which could not choose but come to the King's ear, who walked in a gallery in the same Palace to expect the issue; and being in great Passion, was seen to draw out his Dagger very often, and thrust it again into the Sheath; and heard to say, *Sangre ha de costar*; which coming to the knowledge of the Estates, they left off the Debate, and sent some of their number to him, to know what blood it should cost, and whether he meant to murder any body. He drew out his Dagger again, and pointing it to his breast, he said, *Sangre de Reys*; leaving them in doubt, whether he meant that his Subjects would kill him, or that he would do it himself. However, that Parliament ended very peaceably, and a famous settlement was there and then made, by which a great person was to be chosen every Parliament, who should be as it were an Umpire between the King and his People, for the execution of the Laws, and the preservation of their Government, their *Fueros* and *Privilegios*, which are their Courts of Justice, and their Charters. This Officer was called, *El Justicia d' Arragon*, and his duty was to call together the whole Power of the Kingdom, whenever any of the aforesaid Rights were by open force violated or invaded, and to admonish the King, whenever he heard of any clandestine Councils among them to that effect. It was likewise made Treason, for any person of what quality soever, to refuse to repair upon due summons to any place where this *Justicia* should erect his Standard, or to withdraw himself without leave, much more to betray him, or to revolt from him: Besides, in this *Cortes*,

or Parliament, the old Oath which at the first Foundation of their State was ordered to be taken by the King at his admittance, was again revived, and which is in these words: *Nos que valemus tanto como nos, y podemos mas, os eligimos nuestro Rey, conque nos guardeys nuestros Fueros y Privilegios; y si no, no.* That is, We who are as good as you, and more Powerful, do choose you our King, upon condition that you preserve our Rights and Privileges; and if not, not. Notwithstanding all this, *Philip* the Second, being both King of *Castile* and *Arragon*, picked a quarrel with the latter, by demanding his Secretary *Antonio Perez*, who fled from the King's displeasure thither, being his own Country; and they refusing to deliver him (it being expressly contrary to a Law of *Arragon*, that a Subject of that Kingdom should be against his will carried to be tryed elsewhere) the King took that occasion to invade them with the Forces of his Kingdom of *Castile* (who had ever been Rivals and Enemies to the *Aragoneses*) and they to defend themselves under their *Justicia*, who did his part faithfully and courageously; but the *Castilians* being old Soldiers, and those of *Arragon* but County-Troops, the former prevailed, and so this Kingdom in getting that of *Castile* by a Marriage (but an Age before) lost its own Liberty and Government: for it is since made a Province, and governed by a Vice-Roy from *Madrid*, although they keep up the formality of their *Cortes* still.

Doct. No man living that knew the hatred and hostility that ever was between the *English* and *Scots*, could have imagined in the years 1639, and 1640, when our King was with great Armies of *English* upon the Frontiers of *Scotland*, ready to invade that Kingdom, that this nation would not have assisted to have brought them under; but it prov'd otherwise.

Eng. Gent. It may be they feared, That when *Scotland* was reduced to slavery, and the Province pacified, and Forces kept up there, That such Forces and greater might have been employed here, to reduce us into the same condition; an apprehension which at this time sticks with many of the common People, and helps to fill up the measure of our Fears and Distractions. But the visible reason why the *English* were not at that time very forward to oppress their Neighbours, was the consideration, That they were to be invaded for refusing to receive from hence certain Innovations in matters of Religion and the worship of God, which had not long before been introduced here; and therefore the People of this Kingdom were unwilling to perpetuate a Mungrel Church here, by imposing it upon them. But I do exceedingly admire, when I read our History, to see how zealous and eager our Nobility and People here were anciently to assert the right of our Crown to the Kingdom of *France*; whereas it is visible that if we had kept *France* (for we Conquered it entirely and fully, to this day, we must have run the fate of *Arragon*, and been in time ruined and oppressed by our own valour and good Fortune; a thing that was foreseen by the *Macedonians*, when their King *Alexander* had subdued all *Persia* and the *East*; who weighing how probable it was, that their Prince having the possession of such great and flourishing Kingdoms, should change his *Domicilium Imperii*, and inhabit in the Center of his Dominions, and from thence Govern *Macedon*, by which means the *Grecians*, who by their Virtue and Valour had Conquered and subdued the *Barbarians*, should in time (even

(even as an effect of their Victories) be oppressed and tyrannized over by them: And this pre-cautious foresight in the *Greeks* (as was fully believed in that Age) hastened the fatal Catastrophe of that great Prince.

Doct. Well, I hope this consideration will fore-arm our Parliaments, That they will not easily suffer their eyes to be dazzled any more with the false glory of Conquering *France*.

Noble Ven. You need no great cautions against Conquering *France* at this present, and I believe your Parliaments need as little admonition against giving of Money towards new Wars or Alliances, that fine wheedle having lately lost them enough already; therefore, pray, let us suffer our Friend to go on.

Eng. Gent. I have no more to say of Foreign Monarchies, but only to tell you, That *Poland* is both Governed and Possessed by some very great Persons or Potentates, called *Palatines*, and under them by a very numerous Gentry; for the King is not only Elective, but so limited, that he has little or no Power, but to Command their Armies in time of War; which makes them often chuse Foreigners of great Fame for Military Exploits: and as for the Commonalty or Countrymen, they are absolutely Slaves or Villains. This Government is extremely confused, by reason of the numerousness of the Gentry, who do not always meet by way of representation as in other Kingdoms, but sometimes for the choice of their King, and upon other great occasions, collectively, in the Field, as the Tribes did at *Rome*, which would make things much more turbulent if all this body of Gentry did not wholly depend for their Estates upon the favour of the Palatines their Lords, which makes them much more tractable. I have done with our Neighbours beyond Sea, and should not without your command have made so long a digression in this place, which should indeed have been treated of before we come to speak of *England*, but that you were pleased to divert me from it before: However, being placed near the Portraiture of our own Country, it serves better (as *contraria juxta se posita*) to illustrate it: but I will not make this Deviation longer, by Apologizing for it; and shall therefore desire you to take notice, That as in *England* by degrees Property came to shift from the few to the many, so the Government is grown heavier and more uneasy both to Prince and People, the complaints more in Parliament, the Laws more numerous, and much more tedious and prolix, to meet with the tricks and malice of men, which works in a loose Government; for there was no need to make Acts *verbose*, when the great Persons could presently force the Execution of them: for the Law of *Edward* the First, for frequent Parliaments, had no more words than *A Parliament shall be holden every year*, whereas our Act for a Triennial Parliament, in the time of King *Charles* the First, contained several sheets of paper, to provide against a failure in the Execution of that Law; which if the Power had remained in the Lords, would have been needless: for some of them, in case of intermission of Assembling the Parliament, would have made their Complaint and Address to the King, and have immediately removed the obstruction, which in those days had been the natural and easy way: But now that many of the Lords (like the Bishops which the Popes make at *Rome*, in *partibus infidelium*) are merely grown Titular, and purchased for nothing but to get their Wives place, it cannot
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be wondred at if the King slight their Addreffes, and the Court-Parafites deride their Honourable undertakings for the fafety of their Country. Now the Commons fucceeding, as was faid, in the Property of the Peers and Church (whole Lands five parts of fix have been alienated, and moftly is come into the fame hands with thofe of the King and Peers) have inherited likewise, according to the courfe of nature, their Power; But being kept from it by the eftablifhed Government, which (not being changed by any lawfull Acts of State) remains ftill in being formally, whereas virtually it is abolifhed; fo that for want of outward Orders and Provifions, the people are kept from the Exercife of that Power which is fallen to them by the Law of Nature; and thofe who cannot by that Law pretend to the fhare, they had, do yet enjoy it by virtue of that Right which is now ceafed as having been but the natural Effect of a Caufe that is no longer in being; and you know *ublata caufa, tollitur*. I cannot fay that the greater part of the people do know this their condition, but they find very plainly that they want fomthing which they ought to have; and this makes them lay often the blame of their unfettlednefs upon wrong caufes: but however, are altogether unquiet and reftlefs in the Intervals of Parliament; and when the King pleafes to affemble one, fpend all their time in Complaints of the Inexecution of the Law, of the multiplication of an Infinity of Grievances, of Mif-fpending the Publick Monies, of the danger our Religion is in by practices to undermine it and the State by endeavours to bring in Arbitrary Power, and in queftioning great Officers of State, as the Caufers and Promoters of all thefe Abufes; in fo much, that every Parliament feems a perfect State of War, wherein the Commons are tugging and contending for their Right, very juftly and very honourably, yet without coming to a Point: So that the Court fends them packing, and governs ftill worfe and worfe in the Vacancies, being neceffitated thereunto by their defpair of doing any good in Parliament; and therefore are forced to ufe horrid shifts to fubfift without it, and to keep it off; without ever confidering, that if thefe Counfellors underftood their Trade, they might bring the Prince and People to fuch an Agreement in Parliament, as might repair the broken and fhipwrack'd Government of *England*; and in this fecure the Peace, Quiet and Prosperity of the People, the Greatnefs and Happinefs of the King, and be themfelves not only out of prefent danger (which no other courfe can exempt them from) but be Renowned to all Pofterity.

Noble Ven. I befeech you, Sir, how comes it to pafs, that neither the King, nor any of his Counfellors could ever come to find out the truth of what you difcourfe? For I am fully convinced it is as you fay.

Eng. Gent. I cannot resolve you that, but this is certain, they have never endeavoured a Cure, though poffibly they might know the Difafe, as fearing that though the Effects of a Remedy would be, as was faid, very advantagious both to King and People, and to themfelves; yet poffibly, fuch a Reformation might not confift with the Merchandize they make of the Princes favour, nor with fuch Bribes, Gratuities and Fees as they ufually take for the difpatch of all Matters before them. And therefore our Counfellors have been fo far from fuggesting any fuch thing to their Mafter, that they have oppofed and quafhed

quashed all Attempts of that kind, as they did the worthy Proposals made by certain Members of that Parliament in the beginning of King *James's* Reign, which is yet called the Undertaking Parliament. These Gentlemen considering what we have been discoursing of, *viz.* That our old Government is at an end, had framed certain Heads, which, if they had been proposed by that Parliament to the King, and by him consented to, would, in their Opinion, have healed the Breach; and that if the King would perform his part, that House of Commons would undertake for the Obedience of the People. They did believe that if this should have been moved in Parliament before the King was acquainted with it, it would prove Abortive; and therefore sent three of their number to his Majesty; Sir *James a Croft*, Grandfather or Father to the present Bishop of *Hereford*; *Thomas Harley*, who was Ancestor to the Honourable Family of that Name in *Herefordshire*; and Sir *Henry Nevill*, who had been Ambassador from Queen *Elizabeth* to the *French* King. These were to open the matter at large to the King, and to procure his leave that it might be proposed in Parliament: Which, after a very long Audience and Debate, that wise Prince consented to, with a promise of Secrecy in the mean time, which they humbly begged of His Majesty. However, this took Vent, and the Earl of *Northampton*, of the House of *Howard*, who ruled the Rost in that time, having knowledge of it, engaged Sir *R. Weston*, afterwards Lord Treasurer and Earl of *Portland*, to impeach these Undertakers in Parliament before they could move their matters; which he did the very same day, accompanying his Charge (which was endeavouring to alter the established Government of *England*) with so eloquent an Invective, that if one of them had not risen, and made the House acquainted with the whole Series of the Affair, they must have been in danger of being impeached by the Commons: but however it broke their design, which was all that *Northampton* and *Weston* desired, and prevented Posterity from knowing any of the particulars of this Reformation; for nothing being moved, nothing could remain upon the Journal. So that you see our Predecessors were not ignorant altogether of our condition, though the Troubles which have befallen this poor Kingdom since, have made it much more apparent: for since the Determination of that Parliament, there has not been one call'd, either in that King's Reign, or his Son's, or since, that hath not been dissolved abruptly, whilst the main businesses, and those of most concern to the publick, were depending and undecided. And although there hath happened in this Interim a bloody War, which in the close of it, changed the whole Order and Foundation of the Polity of *England*, and that it hath pleased God to restore it again by his Majesty's happy Return, so that the old Government is alive again; yet it is very visible that its deadly Wound is not healed, but that we are to this day tugging with the same difficulties, managing the same Debates in Parliament, and giving the same dis gusts to the Court, and hopes to the Country, which our Ancestors did before the Year 1640. whilst the King hath been forced to apply the same Remedy of Dissolution to his two first Parliaments, that his Father used to his four first, and King *James* to his three last, contrary to his own visible Interest, and that of his people; and this for want of having Counsellors about him of Abilities and Integrity enough to discover to him the Disease of his

Government, and the Remedy: which I hope, when we meet to Morrow Morning you will come prepared to enquire into; for the Doctor says, he will advise you to go take the Air this afternoon in your Coach.

Noble Ven. I shall think it very long till the morning come: But before you go, pray give me leave to ask you something of your Civil War here; I do not mean the History of it (although the World abroad is very much in the dark as to all your Transactions of that time for want of a good one) but the grounds or pretences of it, and how you fell into a War against your King.

Eng. Gen. As for our History, it will not be forgotten; one of those who was in Employment from the Year 40. to 60. hath written the History of those 20 Years, a Person of good Learning and Elocution; and though he be now dead, yet his Executors are very unwilling to publish it so soon, and to rub a Sore that is not yet healed. But the Story is writ with great Truth and Impartiality, although the Author were engaged both in Councils and Arms for the Parliament's side. But for the rest of your Demand, you may please to understand, that our Parliament never did, as they pretended, make War against the King; for he by Law can do no Wrong, and therefore cannot be quarrelled with: The War they declared was undertaken to rescue the King's Person out of those Men's hands who led him from his Parliament, and made use of his Name to levy a War against them.

Noble Ven. But does your Government permit, that in case of a disagreement, between the King and his Parliament, either of them may raise Arms against the other?

Eng. Gent. It is impossible that any Government can go further than to provide for its own Safety and Preservation whilst it is in being, and therefore it can never direct what shall be done when it self is at an end; there being this difference between our Bodies Natural and Politick, that the first can make a Testament to dispose of things after his death, but not the other. This is certain, that wherever any two Co-ordinate Powers do differ, and there be no Power on Earth to reconcile them otherwise, nor any Umpire, they will, *de facto*, fall together by the Ears. What can be done in this Case *de jure*, look into your own Countryman *Machiavel*, and into *Grotius*, who in his Book *De jure Belli ac Pacis*, treated of such matters long before our Wars. As for the ancient Politicians, they must needs be silent in the Point, as having no mixt Governments amongst them; and as for me, I will not rest my self in so slippery a Place. There are great disputes about it in the Parliaments Declarations before the War, and something considerable in the King's Answers to them; which I shall specify immediately, when I have satisfied you how our War begun; which was in this manner: The Long Parliament having procured from the King his Royal Assent for their Sitting till they were dissolved by Act, and having paid and sent out the Scottish Army, and disbanded our own, went on in their Debates for the settling and mending our Government: the King being displeased with them for it, and with himself for putting it out of his Power to dissolve them, now the business which they pretended for their Perpetuation was quite finished, takes an unfortunate Resolution to accuse five principal Men of the Commons House, and one of the Peers, of High-Treason: which he prosecuted in a new unheard-of way, by coming with armed Men into the Commons House

House of Parliament, to demand their Members; but nothing being done by reason of the absence of the five, and Tumults of discontented Citizens flocking to *White-Hall* and *Westminster*, the King took that occasion to absent himself from his Parliament. Which induced the Commons House to send Commissioners to *Hampton-Court* to attend his Majesty with a *Remonstrance of the State of the Kingdom*, and an humble Request to return to his Parliament, for the Redressing those Grievances which were specified in that Remonstrance. But the King, otherwise Counsell'd, goes to *Windsor*, and thence Northwards, till he arrived at *York*; where he summons in the *Militia*, that is, the Trained-Bands of the County; and besides, all the Gentry, of which there was a numerous Appearance. The King address'd himself to the latter with Complaints against a prevailing Party in Parliament, which intended to take the Crown from his Head; that he was come to them, his loving Subjects, for Protection; and, in short, desired them to assist him with Monies to defend himself by Arms. Some of these Gentlemen petitioned His Majesty to return to his Parliament, the rest went about the Debate of the King's Demands; who, in the mean time, went to *Hull*, to secure the Magazine there, but was denied Entrance by a Gentleman whom the House had sent down to prevent the seizing it; who was immediately declared a Traytor, and the King fell to raising of Forces: which coming to the Knowledge of the House, they made this Vote, *That the King, seduced by Evil Counsel, intended to levy War against his Parliament and People, to destroy the Fundamental Laws and Liberties of England, and to introduce an Arbitrary Government, &c.* This was the first time they named the King, and the last: For in all their other Papers, and in their Declaration to Arm for their Defence (which did accompany this Vote) they name nothing but Malignant Counsellors. The King's Answer to these Votes and this Declaration, is that which I mentioned; wherein His Majesty denies any intention of invading the Government, with high Imprecations upon himself and Posterity if it were otherwise: and owns that they have Right to maintain their Laws and Government. This is to be seen in the Paper it self now extant; and this Gracious Prince never pretended (as some Divines have done for him) that his Power came from God, and that his Subjects could not dispute it, nor ought he to give any Account of his Actions (though he should enslave us all) to any but him. So that our War did not begin upon a point of Right, but upon a matter of Fact; for without going to Lawyers or Casuists to be resolved, those of the People who believed that the King did intend to destroy our Liberties, joined with the Parliament; and those who were of opinion that the prevailing party in Parliament did intend to destroy the King or dethrone him, assisted vigorously His Majesty with their Lives and Fortunes. And the Question you were pleas'd to ask never came; for both parties pretended and believed they were in the right, and that they did fight for and defend the Government: But I have wearied you out.

Noble Ven. No sure, Sir, but I am infinitely obliged to you for the great care you have taken and still have used to instruct me, and beg the continuance of it for to morrow morning.

Eng. Gent. I shall be sure to wait upon you at nine a Clock, but I shall beseech both of you to bethink your selves what to offer, for I shall

shall come with a design to learn, not to teach: nor will I presume in such a matter to talk all, as you have made me do to day; for what I have yet to say in the point of Cure, is so little, that it will look like the Mouse to the Mountain of this day's discourse.

Doct. It is so in all Arts, the Corollary is short, and in ours particularly. Those who write of the several Diseases incident to human Bodies, must make long Discourses of the Causes, Symptoms, Signs and Prognosticks of such Distempers; but when they come to treat of the Cure, it is dispatched in a few *Recipes*.

Eng. Gent. Well, Sir, for this bout, I humbly take my leave of you; nay, Sir, you are not in a condition to use ceremony.

Doct. Sir, I forbid you this door; pray retire: to stand here, is worse than to be in the open air.

Noble Ven. I obey you both:

Doct. I shall wait on you in the Evening.

The THIRD DAY.

Noble Ven. **G**entlemen, you are very welcome: what, you are come both together!

Doct. I met this Gentleman at the door: But methinks we sit looking one upon another, as if all of us were afraid to speak.

Eng. Gent. Do you think we have not reason, in such a subject as this is? how can any Man, without Hesitation, presume to be so confident as to deliver his private opinion in a point, upon which, for almost 200 years (for so long our Government has been crazy) no Man has ventured; and when Parliaments have done any thing towards it, there have been Animosities and Breaches, and at length Civil Wars?

Noble Ven. Our work to day is, to endeavour to shew how all these troubles may be prevented for the future, by taking away the Cause of them, which is the want of a good Government; and therefore it will not be so much presumption in you, as charity, to declare your self fully in this matter.

Eng. Gent. The Cure will follow naturally, if you are satisfied in the Disease, and in the Cause of the Disease: for if you agree that our Government is broken, and that it is broken because it was Founded upon Property, and that Foundation is now shaken; it will be obvious, that you must either bring Property back to your old Government, and give the King and Lords their Lands again, or else you must bring the Government to the Property as it now stands.

Doct. I am very well satisfied in your Grounds; but because this Fundamental truth is little understood amongst our People, and that in all conversations men will be offering their opinions of what the Parliament ought to do at their Meeting, it will not be amiss to examine some of those Expedients they propose, and to see whether some or all of them may not be effectual towards the bringing us to some degree of settlement, rather than to venture upon so great a change and alteration as would be necessary to model our Government anew.

Eng. Gent. Sir, I believe there can be no Expedients proposed in Parliament that will not take up as much time and trouble, find as much difficulty in passing with the King and Lords, and seem as great a change of Government, as the true remedy would appear, at least

least I speak as to what I have to purpose; but however, I approve your Method, and if you will please to propose any of those things, I shall either willingly embrace them, or endeavour to shew reason why they will be of little fruit in the settling our State.

Doct. I will reduce them to two Heads (besides the making good Laws for keeping out Arbitrary Power, which is always understood:) the hindering the growth of Popery, and consequently the providing against a Popish Successor; and then the declaring the Duke of *Monmouth's* Right to the Crown, after it hath been examined and agreed to in Parliament.

Eng. Gent. As for the making new Laws, I hold it absolutely needless, those we have already against Arbitrary Power being abundantly sufficient, if they might be executed; but that being impossible (as I shall shew hereafter) till some change shall be made, I shall *postpone* this point: and for the first of your other two, I shall divide and separate the consideration of the growth of Popery from that of the Succession. I am sorry that in the prosecution of this Argument, I shall be forced to say something that may not be very pleasing to this worthy Gentleman, we being necessitated to discourse with prejudice of that Religion which he professes; but it shall be with as little ill breeding as I can, and altogether without passion or invectives.

Noble Ven. It would be very hard for me to suspect any thing from you that should be disobliging; but pray, Sir, go on to your Political Discourse, for I am not so ignorant my self, but to know that the conservation of the National Religion (be it what it will) is essential to the well ordering a State: and though in our City the doctrinals are very different from what are professed here, yet as to the Government of the State, I believe you know that the Pope or his Priests have as little influence upon it, as your Clergy have here, or in any part of the World.

Eng. Gent. I avow it fully, Sir, and with the favour you give will proceed. It cannot be denied but that in former times Popery has been very innocent here to the Government, and that the Clergy and the Pope were so far from opposing our Liberties, that they both sided with the Barons to get a declaration of them by means of *Magna Charta*: It is true also, that if we were all Papists, and that our State were the same, both as to Property and Empire, as it was 400 years ago, there would be but one inconvenience to have that Religion National again in *England*, which is, That the Clergy, *quatenus* such, had and will have a share in the Sovereignty, and inferior Courts in their own Power, called Ecclesiastical; this is, and ever will be a Solecism in Government, besides a manifest contradiction to the words of Christ our Saviour, who tells us, his Kingdom is not of this World: and the truth is, if you look into the Scriptures, you will find, that the Apostles did not reckon that the Religion they planted should be National in any Country, and therefore have given no precepts to the Magistrate to meddle in matters of Faith and the Worship of God; but preach'd, That Christians should yield them obedience in all lawful things. There are many passages in Holy Writ which plainly declare, that the true Believers and Saints should be but a handful, and such as God had separated, and as it were taken out of the World; which would not have been said by them, if they had believed that whole Nations and People should have been true Followers of Christ,

and

and of his Flock: for certainly none of them are to be damn'd, and yet Christ himself tells us, that few are saved, and bids us strive to get in at the strait gate; and therefore I conceive it not to be imaginable, that either Christ or his Apostles did ever account that the true Religion should be planted in the World by the framing of Laws, Catechisms, or Creeds, by the Sovereign Powers and Magistrates, whether you call them Spiritual or Temporal, but that it should have a Progress suitable to its beginning: for it is visible that it had its Original from the Power and Spirit of God, and came in against the stream, not only without a *Numa Pompilius*, or a *Mahomet*, to plant and establish it by human Constitutions and Authority, but had all the Laws of the World to oppose it, and all the bloody Tyrants of that age to persecute it, and to inflict exquisite torments on the Professors of it. In *Nero's* time (which was very early) the Christians were offered a Temple in *Rome*, and in what other Cities they pleased, to be built to Jesus Christ, and that the *Romans* should receive him into the number of their gods; but our Religion being then in its purity, this was unanimously refused, for that such a God must have no Companions, nor needed no Temples, but must be worshipped in Spirit and Truth. The Successors to these good Christians were not so scrupulous; for within some Ages after, the Priests to get Riches and Power, and the Emperors to get and keep the Empire (for by this time the Christians were grown numerous and powerful) combined together to spoil our Holy Religion, to make it fit for the Government of this World, and to introduce into it all the ceremonious Follies and Superstitions of the Heathen; and which is worse the Power of Priests, both over the Persons and Consciences of Men. I shall say no more of this, but refer you to innumerable Authors who have treated of this Subject, particularly to a *French* Minister, who hath written a Book, Entituled, *La Religion Catholique Apostolique Romaine instituee par Nume Pompile*; and to the incomparable *Machiavel* in his *Posthume* Letter, Printed lately in our Language, with the Translation of his Works. But I have made a long digression; and to come back again, shall only desire you to take notice, when I say that anciently Popery was no inconvenience in this Kingdom, I mean only Politically, as the Government then stood, and do not speak at all of the prejudice which Men's Souls did and will ever receive from the Belief of those impious Tenets, and the want of having the true Gospel of Jesus Christ preached unto them, but living in perpetual Superstition and Idolatry: The consideration of these Matters is not so proper to my present purpose, being to discourse only of Government. Notwithstanding therefore, as I said before, that Popery might have suited well enough with our old Constitution, yet as to the present Estate, which inclines to Popularity, it would be wholly as inconsistent with it, and with the Power of the Keys, and the Empire of Priests (especially where there is a Foreign Jurisdiction in the case) as with the Tyranny and Arbitrary Power of any Prince in the World. I will add thus much in Confirmation of the *Doctor's* Assertion, That we ought to prevent the growth of Popery, since it is now grown a dangerous Faction here against the State.

Noble Ven.

Noble Ven. How can that be, I beseech you, Sir?

Eng. Gent. Sir, I will make you Judge of it your self; I will say nothing of those foolish Writings that have been put forth by *Mariana*, *Emanuel Sa*, and some others, about the lawfulness of destroying Princes and States in case of Heresy, because I know all the conscientious and honest Papists (of which I know there are great numbers in the World) do not only not hold, but even abhor such cursed Tenets; and do believe, that when the Pope, by Excommunication hath cut off any Prince from the communion of the Church, can go no further, nor ought to pretend a Power to deprive him of his Crown, or absolve his Subjects from their Oaths and Obedience: But I shall confine my self to the present condition of our Papists here. You know how dangerous it is for any Kingdom or State to have a considerable, wealthy, flourishing party amongst them, whose interest it is to destroy the Polity and Government of the Country where they live; and therefore if our Papists prove this Party, you will not wonder why this People are so eager to depress them. This is our Case: for in the beginning of *Queen Elizabeth's* reign, there was an alteration of Religion in our Country, which did sufficiently enrage the Holy Father at *Rome*, to see that this good Cow would be milked no longer. He declares her an Heretick and a Bastard, (his Sanctity not having declared null that incestuous Marriage which her Father had contracted before with his Brother's Wife, and which that King had dissolved to Marry her Mother) and afterwards Excommunicated our Queen, depriving her, as much as in him lay, of the Kingdom; some of the Zealots of that Party (having a greater terror for those Thunder-bolts than I believe many have now) began to conspire against her; and Plots grew at length so frequent, and so dangerous, that it was necessary (as the Parliaments then thought) to secure the Queen, by making severe Laws against a People, who did not believe themselves her Majesty's Subjects; but on the contrary, many of them thought themselves in Conscience obliged to oppose and destroy her: and although that Excommunication, as also the pretended doubtfulness of the Title, both died with that renowned Queen, yet a new desperate Conspiracy against the King her Successor and the whole Parliament ensuing, not long after her decease, those rigorous Laws have been so far from being repealed, that very many more, and far severer, have been since made, and are yet in force. Now these Laws make so great a distinction between Protestants and Papists, that whereas the former are by our Government and Laws, the freest People in the World, the latter are little better than slaves, are confined to such a distance from their Houses, are not to come near the Court, which being kept in the Capital City, mostly deprives them from attending their necessary occasions; they are to pay two third parts of their Estates annually to the King, their Priests are to suffer as Traitors, and they as Felons for harbouring them; in fine, one of us, if he do not break the Municipal Laws for the good Government of the Country, need not fear the King's Power, whereas their being what they are, is a breach of the Law, and does put them into the Prince's hands to ruin them when he pleases; nay, he is bound by Oath to do it, and when he does it not, is complained against by his People, and Parliaments take it amiss. Now judge you, Sir, whether it is not the interest of these People to desire and endeavour a change, whilst they remain under these discouragements, and whether

whether they are not like to join with the Prince (whose connivance at the inexecution of those Laws is the only means and hope of their preservation) whenever he shall undertake any thing for the increase of his own Power, and the depressing his Parliaments.

Noble Ven. What you say is very undeniable, but then the Remedy is very easy and obvious, as well as very just and honourable, which is the taking away those cruel Laws, and if that were done they would be one People with you, and would have no necessity, and by consequence no desire to engreave the King against the Interest and Liberty of their own Country.

Eng. Gent. You speak very well, and one of the Reasons amongst many which I have, to desire a composition of all our troubles by a settled Government, is, that I may see these People (who are very considerable, most of them, for Estates, Birth and Breeding) live quietly under our good Laws, and increase our Trade and Wealth with their expences here at home; whereas now the severity of our Laws against them, makes them spend their Revenues abroad, and enrich other Nations with the Stock of *England*; but as long as the State here is so unfettled as it is, our Parliaments will never consent to countenance a Party, who by the least Favour and Indulgence may make themselves able to bring in their own Religion to be National, and so ruin our Polity and Liberties.

Noble Ven. I wonder why you should think that possible?

Eng. Gent. First, Sir, for the Reason we First gave, which is the craziness of our Polity, there being nothing more certain, than that both in the Natural and also the Politick Body any sinister accident that intervenes, during a very Diseased habit, may bring a dangerous alteration to the Patient. An Insurrection in a decayed Government, a thing otherwise very inconsiderable, has proved very fatal, as I knew a slight flesh-wound bring a lusty Man to his Grave in our Wars, for that he being extremely infected with the *French* Disease, could never procure the Orifice to close; so although the designs both at home and abroad, for altering our Religion, would be very little formidable to a well-founded Government, yet in such an one as we have now, it will require all our care to obviate such Machinations. Another Reason is the little Zeal that is left amongst the ordinary Protestants, which Zeal uses to be a great Instrument of preserving the Religion establish'd, as it did here in Queen *Elizabeth's* time; I will add the little Credit the Church of *England* hath amongst the People, most men being almost as angry with that Popery which is left amongst us (in Surplices, Copes, Altars, Cringings, Bishops, Ecclesiastical Courts, and the whole Hierarchy, besides an infinite number of Useless, Idle, Superstitious Ceremonies, and the Ignorance and Vitioufness of the Clergy in general) as they are with those *Dogma's* that are abolished; So that there is no hopes that Popery can be kept out, but by a company of poor People call'd Fanaticks, who are driven into Corners as the First Christians were; and who only in truth Conserve the Purity of Christian Religion, as it was planted by Christ and his Apostles, and is contained in Scripture. And this makes almost all sober men believe, that the National Clergy, besides all other good qualities have this too, that thy cannot hope to make their Hierarchy subsist long against the Scriptures, the hatred of mankind, and the Interest of this People, but by Introducing the *Roman* Religion,

Religion, and getting a Foreign Head and Supporter, which shall from time to time brave and hector the King and Parliament in their favour and behalf, which yet would be of little advantage to them, if we had as firm and wise a Government as you have at *Venice*. Another Reason, and the greatest, why the *Romish* Religion ought to be very warily provided against at this time, is, That the lawful and Undoubted Heir to the Crown, if his Majesty should die without Legitimate Issue, is more than suspected to Imbrace that Faith; which (if it should please God to call the King, before there be any Remedy applied to our Distracted State) would give a great opportunity (by the Power he would have in Intervals of Parliament) either to Introduce immediately that profession, with the help of our Clergy, and other *English* and Foreign Aids, or else to make so fair a way for it, that a little time would perfect the work; and this is the more formidable, for that he is held to be a very Zealous and Bigotted *Romanist*; and therefore may be supposed to act any thing to that end, although it should manifestly appear to be contrary to his own Interest and Quiet; so apt are those who give up their Faith and the Conduct of their Lives to Priests (who to get to themselves Empire, promise them the highest Seats in Heaven; if they will sacrifice their Lives, Fortunes, and Hopes, for the Exaltation of their Holy Mother, and preventing the Damnation of an innumerable company of Souls which are not yet born) to be led away with such Erroneous and wild Fancies. Whereas *Philip* the Second of *Spain*, the House of *Guise* in *France*, and other great Statesmen, have always made their own greatness their first Aim, and used their Zeal as an Instrument of that; And instead of being cozen'd by Priests, have cheated them, and made them endeavour to Preach them up to the Empire of the World. So I have done with the Growth of Popery, and must conclude, that if that should be stopt in such manner, that there could not be one Papist left in *England*, and yet our Polity left in the same disorder that now afflicts it, we should not be one Scruple the better for it, nor the more at quiet; the Growth and Danger of Popery not being the Cause of our present Distemper, but the Effect of it: But as a good and settled Government would not be at all the nearer for the destruction of Popery, so Popery and all the Dangers and Inconveniences of it would not only be further off, but would wholly vanish at the sight of such a Reformation. And so we begin at the wrong end, when we begin with Religion before we heal our Breaches. I will borrow one Similitude more, with our Doctor's favour, from his Profession. I knew once a man given over by the Physicans, of an incurable *Cachexca*, which they said proceeded from the ill Quality of the whole Mass of Blood, from great Aduſtion, and from an ill habit of the whole Body. The Patient had very often painful Fits of the Cholick, which they said proceeded from the sharpness of the humour which caused the Disease; and, amongst the rest, had one Fit which tormented him to that degree, that it was not expected he could out-live it; yet the Doctors delivered him from it in a small time: Notwithstanding, soon after the man died of his first Distemper. Whereas if their Art had arrived to have cured that (which was the Cause of the other) the Cholick had vanished of it self, and the Patient recovered. I need make no Application, nor shall need to say much of the Succession of the Crown (which is my next Province)

but this I have said already, That it is needless to make any Provision against a Popish Successor if you rectify your Government; and if you do not, all the Care and Circumspection you can use in that Particular, will be useless and of none effect, and will but at last (if it do not go off easily, and the next Heir succeed peaceably, as is most likely, especially if the King live till the People's Zeal and Mettle is over) end probably in a Civil War about Title; and then the Person deprived may come in with his Sword in his Hand, and bring in upon the Point of it both the Popish Religion, and Arbitrary Power: Which, though I believe he will not be able to maintain long (for the Reasons before alledged,) yet that may make this Generation miserable and unhappy. It will certainly be agreed by all lovers of their Country, that Popery must be kept from returning, and being National in this Kingdom, as well for what concerns the Honour and Service of God, as the Welfare and Liberty of the People; and I conceive there are two ways by which the Parliament may endeavour to secure us against that danger; the first by ordering such a change in the Administration of our Government, that whoever is Prince, can never violate the Laws, and then we may be very safe against Popery; our present Laws being effectual enough to keep it out, and no new ones being like to be made in Parliament that may introduce it; and this remedy will be at the same time advantageous to us against the Tyranny and Encroachments of a Protestant Successor, so that we may call it an infallible Remedy both against Popery and Arbitrary power. The second way is by making a Law to disable any Papist by name or otherwise, from inheriting the Crown; and this is certainly fallible, that is, may possibly not take place (as I shall shew immediately;) and besides, it is not improbable that an Heir to this Kingdom in future times, may dissemble his Religion, till he be seated in the Throne; or possibly be perverted to the Roman Faith after he is possess'd of it, when it may be too late to limit his Prerogative in Parliament; and to oppose him without that, will I fear, be judged Treason.

Doct. But Sir, would you have the Parliament do nothing, as things stand, to provide (at least, as much as in them lies) that whoever succeeds be a good Protestant?

Eng. Gent. Yes, I think it best in the first place to offer to his Majesty the true Remedy; and if they find him averse to that, then to pursue the other which concerns the Succession, because the People (who are their Principals, and give them their Power) do expect something extraordinary from them at this time; and the most of them believe this last the only present means to save them from Popery, which they judge (and very justly) will bring in with it a change of Government. But then, I suppose, they may be encouraged to propose in the first place the true Cure; not only because that is infallible, as has been proved, but likewise because his Majesty in probability will sooner consent to any reasonable Demand towards the reforming of the Government, and to the securing us that way, than to concur to the depriving his only Brother of the Crown. And possibly this latter (as I said before) may be the only way the Parliament can hope will prove effectual: For if you please to look but an Age back into our Story, you will find that *Henry* the Eighth did procure an Act of Parliament, which gave him power to dispose of the Crown by his last Will and Testament;

Testament; and that he did accordingly make his said Will, and by it devise the Succession to his Son *Edward* the Sixth, in the first place, and to the Heirs of his Body; and for want of such, to his Daughter *Mary*, and to the Heirs of her Body; and for want of which Heirs, to his Daughter *Elizabeth*, our once Sovereign of Immortal and Blessed Memory, and the Heirs of her Body; and for want of all such Issue, to the right Heirs of his younger Sister, who was, before he made this Will, married to *Charles Brandon* Duke of *Suffolk*, and had Issue by him. By this Testament he disinherited his elder Sister, who was married in *Scotland*; and by that means did, as much as in him lay, exclude his Majesty (who now, by God's Mercy, reigns over us) as also his Father and Grandfather. And to make the Case stronger, there passed an Act long after, in the Reign of Queen *Elizabeth*, That it should be Treason during that Queen's Life, and a Premunire afterwards, to assert that the Imperial Crown of *England* could not be disposed of by Act of Parliament; yet after the Decease of that Queen, there was no considerable Opposition made to the peaceable Reception and Recognition of King *James* of happy Memory. And those who did make a little stir about the other Title, as the Lord *Cobham*, Sir *Walter Rawleigh*, and a few others, were apprehended and condemn'd according to Law. And, notwithstanding that, since, in the Reign of K. *Charles* the First, there was a bloody Civil War, in which Men's Minds were exasperated at a high rate; yet in all the Course of it, the Original Want of Title was never objected against his late Majesty. I do not urge this to aver that the Parliament, with the King's Consent, cannot do lawfully this, or any other great Matter; which would be an incurring the Penalty of that Law, and a Solecism in the Politicks: But to shew, that when the Passions of Men are quieted, and the Reasons other than they were, it happens oftentimes that those Acts which concern the Succession fall to the Ground of themselves, and that even without the Sword, which in this Case was never adoperated. And that therefore this Remedy in our Case may be likely never to take place, if it please God the King live till this Nation be under any other kind of Circumstances.

Doct. Sir, you say very well: but it seems to me, that the last Parliament was in some kind of Fault, if this be true that you say; for I remember that my Lord Chancellor did once, during their Sitting, in his Majesty's Name offer them to secure their Religion and Liberties any way they could advise of, so they would let alone meddling with the Succession, and invited them to make any Proposals they thought necessary to that end.

Eng. Gent. Hinc ille lacrimæ. If this had been all, we might have been happy at this time; but this gracious Offer was *In limine*, accompanied with such Conditions that made the Parliament conjecture that it was only to perplex and divide them; and did look upon it as an Invention of some new *Romanza*, (Counsellors and those too, possibly, influenced by the *French*) to make them embrace the Shadow for the Substance, and satisfying themselves with this Appearance, to do their ordinary Work of giving Money, and be gone, and leave the Business of the Kingdom as they found it. For it was proposed, that whatsoever Security we were to receive, should be both conditional and reversionable: That is, First, we should not be put into Possession of this new Charter (be it what it will) till after the death of his Majesty

Majesty who now is ; whereas such a Provision is desirable, and indeed necessary for us for this only reason, that when that unfortunate hour comes, we might not be, in that Confusion, unprovided of a Calm, settled and orderly, as well as a legal way to keep out Popery. Whereas otherwise, if we be to take Possession in that Minute, it must either miscarry, or be gotten by a War, if it be true that Possession be nine Points of the Law in other Cases, it is in this the whole ten : and I should be very unwilling, in such a Distraction, to have no Sanctuary to fly to, but a piece of Parchment kept in the Pells ; and to have this too as well as other Advantages, in the Power and Possession of him in whose prejudice it was made : this had been almost as good an Expedient to keep out Popery, as the Bill which was thrown out that Parliament ; which provided, that in the Reign of a King that should be a Papist, the Bishops should choose one another upon Vacancies. Those Counsellors who put my Lord Chancellor upon this Proposal, were either very slender Politicians themselves, or else thought the Parliament so. If *Magna Charta* and *The Petition of Right* had not been to take place till after the Decease of those Princes who confirmed them, neither had the Barons shed their Blood to so good purpose, nor the Members of the Parliament in *Tertio Caroli*, deserved so glorious an Imprisonment after it was ended. The other Condition in this renowned Proposal is, That all Provision and Security which is given us to preserve our Religion, shall cease immediately, whenever the Prince shall take a certain Oath to be penned for that purpose ; and I leave it to all thinking Men to determine what that will avail us, when we shall have a King of that Profession over us, who shall not have so much Zeal for his Religion, as he who is now the next Successor hath ; but shall possibly prefer his Ambition, and his desire to get out of Wardship, before the Scruples of his Confessor ; and yet may afterwards, by getting Absolution for, and Dispensation from such Oaths and Compliance, employ the Power he gets himself, and the Security he deprives us of, to introduce violently what Worship and Faith he pleases. This gracious Offer had the fatality to disgust one of the best Parliaments that ever sat, and the most loyal ; so that laying it aside, they fell upon the Succession, the only thing they had then left, and were soon after dissolved, leaving the Kingdom in a more distracted Condition than they found it ; and this can no way be composed, but by mending the Polity, so that whoever is King cannot (be he never so inclined to it) introduce Popery, or destroy whatever Religion shall be established : as you see in the Example of the Dutchy of *Hanover*, whose Prince some fourteen Years since, was perverted to the *Roman Church*, went to *Rome* to abjure Heresy (as they call the truth) return'd home, where he lived and governed as he did before, without the least Animosity of his Subjects for his Change, or any endeavour of his to introduce any in his Government or People, and dying this last Spring, left the peaceable and undisturbed Rule of his Subjects to the next Successor, his Brother the Bishop of *Osnaburg*, who is a Protestant, and this because the Polity of that Dukedom has been conserved entire for many years, and is upon a right Basis : and if our Case were so, we should not only be out of danger to have our Religion altered (as I said before) whoever is King, but should in other things be in a happy and flourishing condition.

But

But I have made a long and tedious digression to answer your demands: Now 'tis time you assist me to find the natural Cure of all our Mischiefs.

Doct. Stay, Sir, I confess my self to be wonderfully Edified with your discourse hitherto, but you have said nothing yet of the Duke of *Monmouth*.

Eng. Gent. I do not think you desire it, though you were pleased to mention such a thing, for I suppose you cannot think it possible, that this Parliament (which is now speedily to meet by his Majesty's Gracious Proclamation) can ever suffer such a thing to be so much as Debated amongst them.

Doct. Sir, you have no reason to take that for granted, when you see what Books are Printed, what great and honourable Persons frequent him in private, and countenance him in publick; what shoals of the middle sort of people have in his Progress this Summer met him before he came into any great Town, and what Acclamations and Bon-fires have been made in places where he lodged.

Eng. Gent. These things, I must confess, shew how great a Distemper the People are in, and the great reason we have to pray God of his Mercy to put an end to it by a happy Agreement in Parliament. But certainly this proceeds only from the hatred they have to the next Successor and his Religion, and from the compassion they have to the Duke of *Monmouth* (who as they suppose, hath suffered banishment and dis-favour at Court, at his Instance) and not from any hopes of expectations that the Parliament will countenance any pretence that can be made in his behalf to the Succession.

Doct. It may be when we have discoursed of it, I shall be of your mind, (as indeed I am inclined already) But yet nothing in War is more dangerous than to condemn an Enemy; so in this Argumentation that we use to secure our Liberties, we must leave nothing unanswered that may stand in the way of that, especially the Duke of *Monmouth's* Claim, which is pretended to confirm and fortify them, for (say some Men) if you set him up, he will presently pass all Bills that shall concern the Safety and Interest of the People; And so we shall be at rest for ever.

Eng. Gent. Well, I see I must be more tedious than I intended; First then, the reasoning of these men you speak of, does in my apprehension, suppose a thing I cannot mention without horror, which is, That this Person should be admitted immediately to the Possession of the Crown to do all these fine Matters; for otherwise, if he must stay till the Death of our Sovereign who now Reigns (which I hope and pray will be many years) possibly these delicate Bills may never pass, nor he find hereafter the People in so good a humour to admit him to the Reversion, which if it could be obtain'd (as I think it impossible Politically) yet the Possession must be kept by a standing Army, and the next Successor cannot have a better Game to play, nor a better Adversary to deal with, than one who leaps in over the Heads of almost all the Protestant Princes Families abroad, besides some Papists who are greater; and when we have been harrassed with Wars, and the miseries that accompany it some few years, you shall have all these fine People, who now run after him, very weary of their new Prince: I would not say any thing to disparage a Person so highly born, and of so early merit; but this I may say, That if a Lawful Title

should be set on foot in his favour, and a thousand *Dutch* Hosts, and such like, should swear a Marriage, yet no sober Man, that is not blinded with prejudice, will believe, That our King (whom none can deny to have an excellent understanding) would ever Marry a Woman so much his Inferior as this great Person's Mother was; and this at a time when his Affairs were very low, and he had no visible or rational hopes to be restored to the Possession of his Kingdoms, but by an assistance which might have been afforded him by means of some great Foreign Alliance. Well, but to leave all this, do these Men pretend that the Duke of *Monmouth* shall be declared Successor to the Crown in Parliament, with the King's Concurrence or without it; if without it, you must make a War for it, and I am sure that no Cause can be stated upon such a point, that will not make the Assertors and Undertakers of it be condemned by all the Politicians and Moralists of the World, and by the Casuists of all Religions, and so by consequence, it is like to be a very unsuccessful War. If you would have this declar'd with the King's Consent, either you suppose the Royal assent to be given, when the King has his Liberty either to grant it, or not grant it, to Dissolve the Parliament, or not Dissolve it, without ruin or prejudice to his Affairs: If in the first Case, it is plain he will not grant it, because he cannot do it without confessing his Marriage to that Duke's Mother, which he hath already declared against in a very solemn manner, and caused it to be Registered in Chancery; and which not only no good Subject can chuse but believe, but which cannot be doubted by any rational person; for it would be a very unnatural, and indeed a thing unheard of, that a Father who had a Son in Lawful Matrimony, and who was grown to perfection, and had signalized himself in the Wars, and who was ever intirely beloved by him, should disinherit him by so solemn an asseveration (which must be a false one too) to cause his Brother to succeed in his room. And whereas it is pretended by some, that His Majesty's danger from his Brother's Counsels and Designs may draw from him something of this; beside that they do not much Complement the King in this, it is clear, his Brother is not so popular, but that he may secure him when he pleases, without hazard, if there were any ground for such an apprehension. But we must in the next place suppose that the King's Affairs were in such a posture, that he could deny the Parliament nothing without very great mischief, and inconvenience to himself and the Kingdom; then I say, I doubt not, but the Wisdom of the Parliament will find out divers Demands and Requests to make to His Majesty of greater benefit, and more necessary for the good of his People than this would be; which draws after it not only a present unsettledness, but the probable hazard of Misery and Devastation for many years to come, as has been proved. So that as on the one side the Parliament could not make a more unjustifiable War than upon this Account, so they could not be dissolved upon any occasion wherein the People would not shew less discontent and resentment, and for which the Courtiers would not hope to have a better pretext, to strive in the next Choice, to make their Arts and Endeavours more successful in the Election of Members, more suitable to their Designs for the continuance of this present mis-government; For if this Parliament do mis-spend the People's Mettle, which is now up, in driving that Nail which cannot go, they must look to have it cool,

cool, and so the Ship of this Common-wealth, which if they please may be now in a fair way of Entering into a safe Harbour, will be driven to Sea again in a Storm, and must hope for, and expect another favourable Wind to save them; and God knows when that may come.

Doct. But, Sir, there are others, who not minding whether the *Parliament* will consider the Duke of *Monmouth's* concern, so far as to debate it, do yet pretend, that there is great reason to keep up the people's affections to him; and possibly to foment the opinion they have of his *Title* to the *Crown*, to the end, that if the *King* should die *re infecta*, that is, before such time as the Government is redrest, or the Duke of *York* disabled by Law to succeed, the people might have an Head, under whose Command and Conduct they might stand upon their Guard, till they had some way secured their *Government* and *Religion*.

Eng. Gent. What you have started is not a thing that can safely be discoursed of, nor is it much material to our design, which is intended to speculate upon our Government, and to shew how it is decayed: I have industriously avoided the argument of *Rebellion*, as I find it coucht in modern Politicians, because most Princes hold, that all Civil Wars in mixt Monarchies must be so; and a Politician, as well as an Orator, ought to be *Vir bonus*, so ought to discourse nothing, how rational soever, in these points under a peaceable *Monarchy*, which gives him protection, but what he would speak of his *Prince* if all his *Council* were present. I will tell you only, that these Authors hold, that nothing can be alledged to excuse the taking Arms by any *People* in opposition to their *Prince* from being *Crimen Lesæ Majestatis*, but a claim to a lawful Jurisdiction, or Co-ordination in the Government, by which they may judge of, and defend their own Rights, and so pretend to fight for, and defend the Government; for though all do acknowledge, that *Populi salus* is, and ought to be the most Supreme, or Sovereign Law in the world; yet if we should make private persons, how numerous soever, judge of *Populi salus*, we should have all the Risings and Rebellions that should ever be made, justified by that title, as happened in *France*, when *La Guerre du bien publique* took that name, which was raised by the insatiable ambition of a few Noblemen, and by correspondency and confederacy with *Charles*, Son of the Duke of *Burgundy*, and other enemies to that Crown.

Doct. But would you have our people do nothing then, if the King should be Assassinated, or die of a natural death?

Eng. Gent. You ask me a very fine question, *Doctor*: If I say, *I would have the people stir* in that case, then the King, and his Laws take hold of me; and if I should answer, *that I would have them be quiet*, the people would tear me in pieces for a *Jesuit*, or at least, believe that I had no sense of the Religion, Laws, and Liberty of my Country. *De facto*, I do suppose, that if the people do continue long in this heat which now possesseth them, and remain in such a passion at the time of the King's death without settling matters, they may probably fall into tumults and Civil War, which makes it infinitely to be desired, and prayed for by all good *English* men, that during the quiet and peace we enjoy, by the blessing of his Majesty's life and happy Reign, we might likewise be so wise and fortunate, as to provide for the safety and prosperity of the next generation.

Doct.

Doct. But if you would not have the people in such a case, take the Duke of *Monmouth* for their Head, what would you have them do?

Eng. Gent. Doctor, you ask me very fine questions; do not you know that *Machiavel*, the best and most honest of all the modern *Politicians*, has suffered sufficiently by means of *Priests*, and other ignorant persons, who do not understand his Writings, and therefore impute to him the teaching Subjects how they should Rebel and conspire against their Princes, which if he were in any kind guilty of, he would deserve all the reproaches that have been cast upon him, and ten times more; and so should I, if I ventured to obey you in this. I am very confident, that if any man should come to you, to implore your skill in helping him to a drug that might quickly, and with the least fear of being suspected, dispatch an enemy of his, or some other, by whose death he was to be a gainer; or some young Lass that had gotten a Surreptitious great Belly, should come to you to teach her how to destroy the fruit; I say, in this case you would scarce have had patience to hear these persons out; much less would you have been so wicked to have in the least assisted them in their designs, no more than *Solon*, *Lycurgus*, *Periander*, or any other of the *Sages* could have been brought to have given their advice to any persons who should have begged it, to enable them to ruin and undermine the government of their own Common-wealths.

Doct. Sir, this Reprehension would be very justly given me, if I had intended by this question to induce you to counsel me, or any other how to rebel; my meaning was to desire you (who have heretofore been very fortunate in prophesying concerning the events of our changes here) to exercise your faculty a little at this time, and tell us, what is like to be the end of these distractions we are under, in case we shall not be so happy as to put a period to them by mending our Government, and securing our Religion and Liberty in a regular way.

Eng. Gent. Doctor, I will keep the Reputation of Prophecy, which I have gained with you, and not hazard it with any new predictions, for fear they should miscarry; yet I care not, if I gratify your curiosity a little in the point, about which you first began to Interrogate me, by prefaging to you, that in case we should have troubles, and combustions here, after his Majesty's decease (which God avert) we must expect a very unsuccessful end of them, if we should be so rash and unadvised, as to make the great Person we have been lately speaking of, our head; and that nothing can be more dangerous and pernicious to us than such a choice. I have not in this discourse the least intention to except against, much less to disparage the personal worth of the Duke of *Monmouth*, which the world knows to be very great, but do believe that he hath Courage and Conduct proportionable to any employment that can be conferred upon him, whether it be to manage Arms, or Counsels; but my opinion is, that no person in his circumstance can be a proper head in this case; for the people having been already put on upon his scent of the title to the *Crown*, will be very hardly called off, and so will force the wiser men, who may design better things, to consent that he be proclaimed *King* immediately, except there be some other head, who by his Power, Wisdom, and Authority, may restrain the forwardness of the multitude, and obviate the acts of some men, whose interest and hopes may prompt them

them to foment the humours of the People. Now the consequences of hurrying a man to the Throne so tumultuously, without the least deliberation, are very dismal; and do not only not cure the politick distempers of our Country, which we have talked so much of, but do infinitely augment it, and add to the disease our State labours under already (which is a Consumption) a very violent Feaver too; I mean War at home, and from abroad, which must necessarily follow in a few years: Nor is it possible to go back, when once we have made that step; for our *new King* will call a *Parliament*, which being *summoned* by his *Writ*, neither will nor can question his Title or Government, otherwise than by making Addresses, and by presenting Bills to him, as they do to his now Majesty.

Noble Ven. It seems to me, that there needs nothing more than that; for if he consent to all Laws as shall be presented to him, you may reform your Government sufficiently, or else it is your own fault.

Eng. Gent. We have shewed already, and shall do more hereafter that no Laws can be executed till our Government be mended; and if you mean we should make such as should mend that (besides that it would be a better method to capitulate that, before you make choice of your *Prince*, as wise people have done in all ages, and the *Cardinals* do at *Rome* in the *Conclave* before they choose their *Pope*) I say besides this, it is not to be taken for granted that any Bills that tend to make considerable alterations in the administration, (and such we have need of, as you will see anon) would either in that case be offered or consented to; both *Prince* and *People* being so ready to cry out upon *Forty-one*, and to be frightened with the name of a *Common-wealth*, even now when we think *Popery* is at the door; which some people then will think farther off, and so not care to make so great alterations to keep it out; besides the great Men and favourites of the new *Prince* will think it hard that their King should be so bounded and limited both in power and Revenue, that he shall have no means to exercise his liberality towards them, and so may use their interest and eloquence in both Houses to dissuade them from pressing so hard upon a Prince, who is a true zealous Protestant, and has always headed that Party, and who is justly admired, if not adored by the People; and considering too that all the power they leave him, will serve but to enable him to defend us the better from Popery and Arbitrary power; for which most Monarchies was first Instituted. Thus we may exercise during a *Parliament* or two, love-tricks between the Prince and his people, and imitate the honey-moon that continued for about two years after his Majesty's Restoration, till the ill management of affairs and the new grievances, that shall arise (which will be sure never to fail till our true cure be effected, notwithstanding the care of the new King and his Councillors) shall awaken the discontents of the people, and then they will curse the time in which they made this election of a Prince, and the great men for not hindering them. Then men will be reckoning up the discontents of the Peers, sometime after they had made a rash choice of *H. the 7th* in the field, who (had then no title) when they saw how he made use of the power they gave him to lessen their greatness, and to fortify himself upon their ruins; when it comes to this, and that the Governing party comes to be but a little faction, the people (who never know the true cause of their distemper) will be looking out abroad who has the Lawful

title (if the next Heir be not in the mean time with an Army of *English* and *Strangers* in the field here, as is most likely) and look upon the *Prince of Orange*, or the next of kin, as their future Saviour (in case the *Duke* be dead in the mean time, and so the cause of all their distrust taken away) thus most men, not only discontented persons, but the people in general, lookt upon his Majesty that now is, as their future deliverer during our late distractions, when his condition was so weak that he had scarce wherewithall to subsist, and his enemies powerful at home and victorious abroad, which will not be I fear, our case. I Prophecy then (because you will have me use this word) that if Nobles or People make any such unfortunate choice as this during the distractions we may be in upon his Majesty's death, we shall not only miss our cure, or have it deferred till another Government make it; but remain in the confusion we now suffer under; and besides, that shall be sure to feel, first or last, the calamity of a Civil and Foreign War, and in the mean time to be in perpetual fear of it, and suffer all the burden and charge which is necessary to provide for it, besides all the other ill consequences of a standing Army. To conclude, I assure you in the Faith of a Christian, that I have made this discourse solely and singly out of zeal and affection to the Interest of my Country, and not at all with the least intention to favour or promote the Cause or Interest of the D. of *York*, or to disparage the Duke of *Monmouth*, from whom I never received the least unkindness, nor ever had the honour to be in his Company; and to whom I shall ever pay respect suitable to his high birth and Merit.

Noble Ven. Well, Sir, your Reasoning in this point has extremely satisfied me; and the Doctor, I suppose, was so before, as he averred; therefore pray let us go on where we left.

Eng. Gent. I cannot take so much upon me as to be Dictator in the Method of our Cure, since either of you is a thousand times better qualified for such an Office, and therefore shall henceforth desire to be an Auditor.

Doct. Pray, Sir, let us not spend time in Compliments, but be pleased to proceed in this business, and we doubt not but as you have hitherto wonderfully delighted us, so you will gratify us in concluding it.

Eng. Gent. I see I must obey you, but pray help me, and tell me in the first place, whether you do not both believe, that as the *causa causarum* of all our Distractions is (as has been proved) the breach of our Government; so that the immediate Causes are two: First, The great distrust on both sides between the King and his People and Parliament; the first fearing that his Power will be so lessened by degrees, that at length it will not be able to keep the Crown upon his Head: And the latter seeing all things in disorder, and that the Laws are not executed (which is the second of the two Causes) fear the King intends to change the Government, and be Arbitrary.

Noble Ven. I am a Stranger, but (though I never reflected so much upon the Original Cause, as I have done since I heard you discourse of it) yet I ever thought that those two were the Causes of the Unquietness of this Kingdom: I mean the Jealousy between the King and his People, and the Inexecution of the great Laws of calling Parliaments annually, and letting them sit to dispatch their Affairs: I understand

derstand this in the time of his Majesty's Grand-Father, and Father, more than in his own Reign.

Eng. Gent. Then whoever can absolutely lay these two Causes asleep for ever, will arrive to a perfect Cure; which I conceive no way of doing, but that the King have a great deal more Power or a great deal less: And you know that what goes out of the King must go into the People, and so *vice versa*: Inasmuch that the People must have a great deal more Power, or a great deal less: Now it is no question, but either of these two, would rather increase their Power than diminish it; so that if this cannot be made up by the Wisdom of this Age, we may see in the next, that both the King will endeavour to be altogether without a Parliament, and the Parliament to be without a King.

Doct. I begin to smell, that you would be nibbling at the pretence which some had before his Majesty's Restoration, of a Common-wealth or *Democracy*.

Eng. Gent. No, I abhor the thoughts of wishing, much less endeavouring any such thing, during these Circumstances we are now in; That is, under Oaths of Obedience to a Lawful King. And truly if any *Themistocles* should make to me such a Proposal, I should give the same Judgment concerning it, that *Aristides* did in such a Case. The Story is short; After the War between the *Greeks* and the *Persians* was ended, and *Xerxes* driven out of *Greece*, the whole Fleet of the *Grecian* Confederates (except that of *Athens* which was gone home) lay in a great Arsenal (such as were then in use) upon the Coast of *Attica*; during their abode there, *Themistocles* harrangues one day the People of *Athens* (as was then the Custom) and tells them, that he had a Design in his head, which would be of infinite profit and advantage to the Common-wealth; But that it could not be executed without the Order and Authority of them, and that it did likewise require secrecy; and if it were declared there in the Market-place, where Strangers as well as Citizens might be present, it could not be concealed, and therefore proposed it to their consideration what should be done in it: It was at length concluded that *Themistocles* should propose it to *Aristides*, and if he did next morning acquaint the People that he gave his approbation to it, it should be proceeded in: *Themistocles* informs him that the whole Fleet of their Confederates in the War against the *Medes* had betaken themselves to the great Arsenal upon their Coast, where they might be easily fired, and then the *Athenians* would remain absolute Masters of the Sea, and so give Law to all *Greece*; when *Aristides* came the next day to deliver his Judgment to the People, he told them that the business proposed by *Themistocles*, was indeed very advantageous, and profitable to the *Athenians*; But withal, the most wicked and villainous Attempt that ever was undertaken; upon which it was wholly laid aside. And the same Judgment do I give, *Doctor*, of your *Democracy* at this time. But to return to the place where I was, I do believe that this difference may easily be terminated very fairly, and that our House need not be pulled down, and a new one built; but may be very easily repair'd, so that it may last many hundred Years.

Noble Ven. I begin to perceive that you aim at this, That the King must give the People more Power, as *Henry* the third, and King *John* did, or the Parliament must give the King more, as you said they did
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in *France* in the time of *Lewis* the eleventh; or else that it will come in time to a War again.

Eng. Gent. You may please to know, that in all times hitherto, the Parliament never demanded any thing of the King, wherein the Interest and Government of the Kingdom was concerned (excepting Acts of Pardon) but they founded their demands upon their Right, not only because it might seem unreasonable for them to be earnest with him to give them that which was his own, but also because they cannot choose but know, that all Powers which are fundamentally and lawfully in the Crown, were placed there upon the first Institution of our Government, to capacitate the Prince to govern and protect his People: So that for the Parliament to seek to take from him such Authority, were to be *felo de se*, as we call a Self-Homicide; but as in some Distempers of the Body the Head suffers as well as the inferior parts, so that it is not possible for it, to order, direct and provide for the whole Body as its Office requires, since the Wisdom and Power which is placed there, is given by God to that end; In which Case, though the Distemper of the Body may begin from the Disease of some other part, or from the mass of Blood, or putrefaction of other Humours; yet since that noble part is so affected by it, that Reason and Discourse fails, therefore to restore this again, Remedies must be apply'd to, and possibly Humours or Vapours drawn from the Head it self, that so it may be able to govern and reign over the Body as it did before, or else the whole Man, like a Slave, must be ruled and guided *ab extrinseco*, that is by some Keeper: So it is now with us, in our Politick Disease, where granting (if you please) that the Distemper does not proceed from the Head, but the Corruption of other parts, yet in the Cure, Applications must be made to the Head as well as to the Members, if we mean poor *England* shall recover its former perfect Health; and therefore it will be found, perhaps, essential to our being, to ask something (in the condition we now are) to which the King as yet may have a Right; and which except he please to part with, the *Phenomena* of Government cannot be saved; That is, our Laws cannot be executed; nor *Magna Charta* it self made practicable; and so both Prince and People, that is, the Polity of *England*, must die of this Disease, or by this *Delirium* must be governed, *ab extrinseco*, and fall to the Lot of some Foreign Power.

Noble Ven. But, Sir, since the Business is come to this *Dilemma*, why may not the King ask more Power of the Parliament, as well as they of him?

Eng. Gent. No question but our present Counsellors and Courtiers would be nibbling at that bait again, if they had another Parliament that would take Pensions for their Votes; But in one that is come fresh from the People, and understand their Sense and Grievances very well, I hardly believe they will attempt it; for both Council and Parliament must needs know by this time-a-day, that the Cause of all our Distractions coming (as has been said an hundred times) from the King's having a greater Power already than the condition of Property at this present can admit, without Confusion and Disorder; It is not like to mend Matters for them to give him more, except they will deliver up to him at the same instant their Possessions, and Right to their Lands, and become naturally and politically his Slaves.

Noble Ven.

Noble Ven. Since there must be a voluntary parting with Power, I fear your Cure will prove long and ineffectual, and we Reconcilers shall, I fear, prove like our devout *Cappuchin* at *Venice*; this poor Man's name was *Fra. Barnardino da Udine*, and was esteemed a very holy Man, as well as an excellent Preacher, insomuch that he was appointed to Preach the *Lent* Sermons in one of our principal Churches, which he performed at the beginning with so much Eloquence, and Applause, that the Church was daily crowded three hours before the Sermon was to begin; the esteem and veneration this poor Fryar was in, elevated his Spirit a little too high to be contained within the bounds of reason; but before his *Delirium* was perceived, he told his Auditory one day, that the true Devotion of that People, and the care they had to come to hear his word Preached, had been so acceptable to God, and to the Virgin, that they had vouchsafed to Inspire him with the knowledge of an Expedient, which he did not doubt, but would make Men happy and just even in this Life, and that the Flesh should no longer lust against the Spirit; but that he would not acquaint them with it at that present, because something was to be done on their parts to make them capable of this great Blessing, which was to pray zealously for a happy Success upon his Endeavours, and to Fast, and to visit the Churches to that end; therefore he desired them to come the *Wednesday* following to be made acquainted with this blessed Expedient. You may Imagine how desirous our People were, to hear something more of this Fifth-Monarchy; I will shorten my Story, and tell you nothing of what crowding there was all night, and what quarrelling for places in the Church; nor with what difficulty the *Saffi*, who were sent by the Magistrate to keep the Peace, and to make way for the Preacher to get into the Pulpit, did both; But up he got, and after a long preamble of desiring more Prayers, and Addressing himself to our Senate to Mediate with the Pope, that a week might be set apart for a Jubilee and Fasting three days all over the Christian World, to storm Heaven with Masses, Prayers, Fasting and Alms to prosper his Designs; he began to open the Matter, That the Cause of all the Wickedness and Sin, and by Consequence of all the Miseries and Affliction which is in the world, arising from the enmity which is between God and the Devil, by which means God was often cross'd in his Intentions of good to Mankind here, and hereafter, the Devil by his temptations making us incapable of the Mercy and Favour of our Creator; therefore he had a Design (with the helps before mentioned) to mediate with Almighty God, that he would pardon the Devil and receive him into his Favour again after so long a time of Banishment and Imprisonment; and not to take all his power from him, but to leave him so much as might do good to Man, and not hurt; which he doubted not but he would employ that way, after such reconciliation was made, which his Faith would not let him question. You may judge what the numerous Auditory thought of this; I can only tell you, that he had a different sort of Company at his return, from what he had when he came, for the Men left him to the Boys, who with great Hoops instead of Acclamations, brought him to the *Gondola*, which conveyed him to the *Redentor*, where he lodged; And I never had the curiosity to enquire what became of him after.

Doct. I thank you heartily for this Intermefs; I fee you have learnt fomething in *England*: for, I affure you, we have been thefe twenty Years turning this, and all ferious Difcourfes into Ridicule; but yet your Similitude is very pat; for in every Parliament that has been in *England* thefe fixty Years, we have had notable Contefts between the Seed of the Serpent, and the Seed of the Woman.

Eng. Gent. Well Sir, we have had a *Michael* here in our Age, who has driven out *Lucifer*, and reftored the true Deity to his Power: but where Omnipotency is wanting (which differs the Frier's Cafe and mine) the Devil of Civil War and Confufion may get up again, if he be not laid by prudence and Virtue, and better Conjurers than any we have yet at Court.

Noble Ven. Well, Gentlemen, I hope you have pardoned me for my Farce. But, to be a little more ferious, pray tell me how you will induce the King to give up fo much of his Right as may ferve your turn? Would you have the Parliament make War with him again?

Eng. Gent. There cannot, nor ought to be, any Change, but by his Majesty's free Consent; for befides, that a War is to be abhorred by all Men that love their Country, any Conteft of that kind in this cafe (*viz.* to take away the leaft part of the King's Right) could be juftified by no man living. I fay, befides that, a Civil War has mifcarried in our days, which was founded (at leaft pretendedly) upon Defence of the People's own Rights: In which, although they had as clear a Victory in the end, as ever any Conteft upon Earth had, yet could they never reap the leaft advantage in the World by it: but went from one Tyranny to another, from *Barebone's* Parliament, to *Cromwell's* Reign; from that, to a Committee of Safety; leaving thofe Grave Men, who managed Affairs at the beginning, amazed to fee new Men, and new Principles Governing *England*. And this induced them to Co-operate to bring things back juft where they were before the War. Therefore this Remedy will be either none, or worfe than the Difafe: It not being now as it was in the Barons time, when the Lord who led out his Men, could bring them back again when he pleased, and Rule them in the mean time, being his Vaffals. But now there is no Man of fo much Credit, but that one who behaves himfelf bravely in the War, fhall out-vye him; and, poffibly, be able to do what he pleafes with the Army and the Government: And in this corrupt Age, it is ten to one, he will rather do Hurt than Good with the Power he acquires. But becaufe you ask me how we would perfuade the King to this? I anfwer, by the Parliament's humbly Remonftrating to His Majesty, that it is his own Intereft, Prefervation, Quiet and true Greatnefs, to put an end to the Diftractions of his Subjects, and that it cannot be done any other way, and to defire him to enter into debate with fome Men Authorized by them, to fee if there can be any other means than what they fhall offer to compofe things; if they find there may, then to embrace it, otherwife to infift upon their own Propofals: and if in the end they cannot obtain thofe Requests, which they think the only effential means to preferve their Country, then to beg their Difmiffion, that they may not ftay, and be partakers in the Ruin of it. Now, my Reafons why the King will pleafe to grant this, after the thorough difcuffing of it, are two. Firft, Becaufe all great Princes have ever made up Matters with their Subjects upon fuch Contefts, without coming to Extremities. The two greateft, and
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most valiant of our Princes, were *Edward* the First, and his Grand-child *Edward* the Third: these had very great Demands made them by Parliaments, and granted them all; as you may see upon the Statute-Book. *Edward* the Second, and *Richard* the Second, on the contrary, refused all things till they were brought to Extremity. There is a Memorable Example in the Greek Story of *Theopompus* King of *Sparta*; whose Subjects finding the Government in disorder for want of some Persons that might be a Check upon the great Power of the King, proposed to him the Creation of the *Ephores* (Officers who made that City so great and Famous afterwards.) The King finding by their Reasons (which were unanswerable, as I think ours now are,) that the whole Government of *Sparta* was near its Ruin, without such a Cure; and considering that he had more to lose in that Disorder than others, freely granted their desires; for which being derided by his Wife, who asked him what a kind of Monarchy he would leave to his Son? answered, a very good one, because it will be a very lasting one. Which brings on my Second Reason, for which I believe the King will grant these things; because he cannot any way mend himself, nor his Condition, if he do not.

Noble Ven. You have very fully convinced me of two things: First, That we have no reason to expect or believe that the Parliament will ever increase the King's Power: And then, that the King cannot by any way found himself a New, and more absolute Monarchy, except he can alter the Condition of Property, which I think we may take for granted to be impossible. But yet, I know not why we may not suppose that (although he cannot establish to all Posterity such an Empire) he may, notwithstanding, change the Government at the present; and calling Parliaments no more, administer it by force, as it is done in *France*, for some good time.

Eng. Gent. In *France* it has been a long Work; and although that Tyranny was begun, as has been said, by Petition from the States themselves, not to be assembled any more; yet the Kings since, in time of great Distraction, have thought fit to convocate them again; as they did in the Civil Wars thrice: Once at *Orleans*, and twice at *Blois*. I would not repeat what I have so tediously discoursed of concerning *France* already, but only to intreat you to remember that our Nation has no such poor and numerous Gentry, which draw better Revenues from the King's Purse, than they can from their own Estates; all our country people consisting of Rich Nobility and Gentry, of Wealthy Yeomen, and of Poor Younger Brothers, who have little or nothing, and can never raise their Companies, if they should get Commissions, without their Elder Brother's Assistance amongst his Tenants, or else with the free consent and desire of the People, which, in this case, would hardly be afforded them. But we will suppose there be idle People enough to make an Army, and that the King has Money enough to Arm and Raise them: And I will grant too, to avoid tediousness (although I do not think it possible) that the people will at the first, for fear, receive them into their Houses, and Quarter them against Law; nay, pay the Money which shall be by illegal Edicts, imposed upon the Subjects to pay them; Yet is it possible an Army can continue any time to enslave their own Country? Can they resist the Prayers, or the Curses of their Fathers, Brothers, Wives, Mothers, Sisters, and of all Persons wherever they frequent? Upon this Account all the *Greek* Tyrants were of very short Continuance; who

who being in chief Magistracy and Credit in their Common-wealths, by means of Soldiers and *Satellites*, usurped the Sovereignty. But did ever any of them, excepting *Dionysius*, leave it to his Son? Who was driven out within less than a year after his Father's death. Many Armies of the Natives have destroyed Tyrannies: So the *Decemvirate* was ruined at *Rome*, the *Tarquins* expelled before that: Our own Country has been a Stage, even in our time, where this Tragedy has been sufficiently acted; for the Army, after the War was done fearing the Monarchy should be restored again, held Councils, got Agitators; and though there were often very severe Executions upon the Ring-leaders, did at length, by their perseverance, necessitate their Officers to join with them (having many good Head-pieces of the Party to advise them;) and so broke all Treaties. And the Parliament too, adhering to a small Party of them who consented to lay aside Kingly Government, and afterwards drove them away too, fearing they would continue to Govern by an Oligarchy. I am far from approving this way they used, in which they broke all Laws, Divine and Human, Political and Moral: But I urge it only to shew how easily an Army of Natives is to be deluded with the Name of Liberty, and brought to pull down any thing which their Ring-leaders tell them tends to enslaving their Country. 'Tis true, this Army was afterwards cheated by their General; who without their Knowledge, much less consent, one Morning, suddenly made himself Tyrant of his Country. It is as true, that their Reputation (not their Arms) supported him in that State for some time; but it is certain that they did very often, and to the last, refuse to be instrumental to levy Monies, though for their own pay: and so he, against his Will, was fain to call from time to time Parliamentary Conventions. And it is most certain that he did, in the Sickness of which he died, often complain that his Army would not go a step farther with him: and, *de facto*, some Months after his death, they did dethrone his Son, and restore the Remainder of the old Parliament, upon promise made to them in secret (by the Demagogues of that Assembly) that a Commonwealth should be speedily framed and settled.

Noble Ven. Sir, I am satisfied that an Army raised here on a sudden, and which never saw an Enemy, could not be brought to act such high things for the Ruin of their own Government; nor possibly, would be any way able to resist the Fury and Insurrection of the people. But what say you of a Foreign Army, raised by your King abroad, and brought over, whose Officers and Soldiers shall have no Acquaintance or Relations amongst the people here?

Eng. Gent. All Forces of that kind must be either Auxiliaries or Mercenaries: Auxiliaries are such as are sent by some Neighbour Prince or State, with their own Colours, and paid by themselves: though possibly, the Prince who demands them may furnish the Money. These usually return home again, when the occasion, for which they were demanded, is over: But whether they do or not, if they be not mixed and over-ballanced with Forces which depend upon the Prince who calls them, but that the whole Weight and power lies in them, they will certainly, first or last, seize that Country for their own Sovereign. And as for Mercenaries, they must be raised ('tis true) with the Money of the Prince who needs them, but by the Authority and Credit of some Great Persons who are to Lead and Command them:

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And these, in all Occasions, have made their own Commander Prince; as *F. Sforza* at *Milan* drove out by this trick the *Visconti*, ancient Dukes of that State; and the *Mamalukes* in *Egypt* made themselves a Military Common-wealth. So that the way of an Army here would either be no Remedy at all, or one very much worse than the Disease to the Prince himself.

Noble Ven. Well Sir, I begin to be of Opinion, that any thing the King can grant the Parliament (especially such a Parliament as this is, which consists of Men of very great Estates, and so can have no interest to desire Troubles) will not be so inconvenient to him, as to endeavour to break the Government by force. But why may he not, for this time, by soothing them, and offering them great Alliances abroad for the Interest of *England*, and balancing Matters in *Europe* more even than they have been; and, in fine, by offering them a War with the *French*, to which Nation they have so great a hatred; lay them asleep, and get good store of Money, and stave off this severe Cure you speak of, at least, for some time longer?

Eng. Gent. There has been something of this done too lately; and there is a Gentleman lies in the Tower, who is to answer for it. But you may please to understand, that there is scarce any amongst the middle sort of People, much less within the Walls of the House of Commons, who do not perfectly know, that we can have no Alliance with any Nation in the World that will signify any thing to them, or to our selves, till our Government be redressed and new modelled. And therefore, though there were an Army Landed in this Island, yet that we must begin there, before we are fit to repulse them, or defend our selves. And the fear and sense of this People universally is, that if we should have any War, either for our own Concerns, or for those of our Allies, whilst Matters remain as they do at home, it would certainly come to this pass, that either being beaten, we should subject this Kingdom to an Invasion, at a time when we are in a very ill condition to repel it; or else, if we were Victorious, that our Courtiers and Counsellors *in fragrante* (or as the *French* cry, *d'emble*;) would employ that Mettle and good Fortune to try some such Conclusions at home as we have been discoursing of. And therefore, if any War should be undertaken without Parliament, you should see the People rejoice as much at any disaster our Forces should receive as they did when the *Scots* seized the four Northern Counties in 1639. Or before that, when we were beaten at the Isle of *Rhee*, or when we had any Loss in the last War with *Holland*. And this Joy is not so unnatural as it may seem to those who do not consider the Cause of it; which is the breach of our old Government, and the necessity our Governors are under to make some new experiments: And the fear we are in, that any Prosperity may make them able to try them, either with Effect, or at least with Impunity. Which Consideration made a Court-Droll say lately to His Majesty, (who seemed to wonder why his subjects hated the *French* so much;) Sir, it is because you love them and espouse their Interest; And if you would discover this Truth clearly, you may please to make War with the King of *France*; and then you shall see, that this People will not only love them, take their parts, and wish them success; but will exceedingly rejoice when they are Victorious in sinking your Ships, or defeating your Forces.

And this is sufficient to answer your proposal for Alliances abroad, and for a War with *France*. Besides this (to wind all up in a Word) it is not to be imagined, that so good and wise a Prince as we have at this time should ever be induced (when he comes to understand perfectly his own Condition) to let his own Interest (granting his Power to be so, which is very false) contest with the Safety and Preservation of his People, for which only it was given him; or that he will be any way tenacious of such Prerogatives, as now, by a natural Revolution of Political Circumstances, are so far from continuing useful to his Governing the People, that they are the only *Remora* and Obstacle of all Government, Settlement and Order. For His Majesty must needs know, that all Forms of regulating Mankind under Laws were ordained by God and Man, for the Happiness and Security of the Governed, and not for the Interest and Greatness of those who rule; unless where there is *Melior Natura* in the Case. So God Governs Man for his own Glory only, and Men Reign over Beasts for their own use and Service; and where an Absolute Prince rules over his own Servants whom he feeds and pays (as we have said,) or the Master of a great and numerous Family Governs his Household; they are both bound by the Law of God and Nature, and by their own Interest, to do them Justice, and not *Inferire* or Tyrannize over them, more than the necessity of preserving their Empire and Authority requires.

Doct. But Sir, considering the difficulty which will be found in the King, and possibly in the Parliament too, to come up to so great an alteration at the first, and the danger that may happen by our remaining long in this unsettled Condition, which does hourly expose us to innumerable hazards, both at home, and from abroad; why may we not begin, and lay the Foundation now, by removing all His Majesty's present Council by Parliament; which is no new thing, but hath been often practised in many Kings Reigns?

Eng. Gent. First, the Council, that is, the Privy Council which you mean, is no part of our Government, as we may have occasion to shew hereafter; nor is the King obliged by any Fundamental Law, or by an Act of Parliament to hearken to their Advice, or so much as to ask it; and if you should make one on purpose, besides that it would not be so effectual as what we may propose, it would be full as hard to go down either with King or Parliament. But besides all this, you would see some of these Counsellors so nominated by Parliament, perhaps prove honest, and then they would be forced to withdraw as some lately did, because they found, I suppose, that till the Administration be alter'd, it is impossible that their Councils can be imbraced, or any thing be acted by them which may tend to the good of their Country; those who have not so great a sense of Honour and Integrity, will be presently corrupted by their own Interest, whilst the Prince is left in possession of all those baits and means to answer such Men's expectations: It being most certain, that if you have a musty Vessel, and by consequence dislike the Beer which comes out of it, and draw it out, causing the Barrel to be immediately fill'd with good and sound Liquor, it is certain by experience, that both your new Drink, and all that ever you shall put into the Cask, till it be taken in pieces, and the Pipes shaved, and new model'd, will be full

full, as musty, and unfavoury as the first which you found fault with.

Noble Ven. Now, Sir, I think we are at an end of our Questions, and I for my part am convinced, that as the King cannot better himself any way by falling out with his People at this time, so that his goodness and wisdom is such, that he will rather choose to imitate the most glorious and generous of his Predecessors, as *Edward* the first, and *Edward* the third, than those who were of less worth, and more unfortunate, as *Edward* the second, and *Richard* the second. And therefore we are now ready to hear what you would think fit to ask of so excellent a Prince.

Eng. Gent. I never undertook to be so presumptuous; there is a Parliament to sit speedily, and certainly they are the fittest every way to search into such matters; and to anticipate their wisdom would be unreasonable, and might give them just offence. But because all this tittle tattle may not go for nothing, I shall presume to give you my thoughts, how the Cure must be wrought, without descending to particulars. The Cause immediate (as we have said) of our Disease, is the inexecution of our Laws; and it is most true, that when that is alter'd for the better, and that all our Laws are duly executed, we are in health; for as we can never have the entire benefit of them, till our Government is upon a right Basis; so whenever we enjoy this happiness, to have the full benefit of those Constitutions, which were made by our Ancestors for our safe and orderly living, our Government is upon a right Basis; therefore we must enquire into the Cause why our Laws are not executed, and when you have found and taken away that Cause, all is well. The Cause can be no other than this, That the King is told, and does believe, that most of these great Charters or Rights of the People, of which we now chiefly treat, are against his Majesty's Interest, though this be very false (as has been said) yet we will not dispute it at this time, but take it for granted, so that the King having the supreme Execution of the Laws in his hand, cannot be reasonably supposed to be willing to execute them whenever he can choose whether he will do it or no; it being natural for every Man not to do any thing against his own Interest when he can help it; now when you have thought well what it should be that gives the King a Liberty to choose whether any part of the Law shall be current or no, you will find that it is the great Power the King enjoys in the Government; when the Parliament hath discovered this, they will no doubt demand of his Majesty an abatement of his royal Prerogative in those Matters only which concern our enjoyment of our All, that is our Lives, Liberties and Estates, and leave his royal Power entire and untouch'd in all the other Branches of it; when this is done, we shall be as if some great Hero had performed the adventure of dissolving the Enchantment we have been under so many Years. And all our Statutes from the highest to the lowest, from *Magna Charta* to that for burying in Woollen, will be current, and we shall neither fear the bringing in Popery, nor Arbitrary Power in the Intervals of Parliament, neither will there be any Dissentions in them; all Causes of Factions between the Country and Court-party being entirely abolished; so that the People shall have no reason to distrust their Prince, nor he them.

Doct.

Doct. You make us a fine Golden Age ; but after all this, will you not be pleased to shew us a small prospect of this *Canaan*, or Country of rest ; will you not vouchsafe to particularize a little what Powers there are in the King, which you would have discontinued ? would you have such Prerogatives abolished, or placed elsewhere ?

Eng. Gent. There can be no Government if they be abolished. But I will not be like a Man who refuses to sing amongst his Friends at their entreaty, because he has an ill Voice ; I will rather suffer my self to be laugh'd at by you in delivering my small Judgment in this Matter, but still with this Protestation, that I do believe that an Infinity of Men better qualify'd than my self for such sublime Matters, and much more the House of Commons, who represent the Wisdom as well as the Power of this Kingdom, may find out a far better way, than my poor Parts and Capacity can suggest. The powers then which now being in the Crown do hinder the Execution of our Laws, and prevent by consequence our Happiness and Settlement, are four ; The absolute Power of making War and Peace, Treaties and Alliances with all Nations in the World, by which means, by ignorant Counsellors, or wicked Ministers, many of our former Kings have made Confederations and Wars, very contrary, and destructive to the Interest of *England*, and by the unfortunate management of them, have often put the Kingdom in great hazard of Invasion : Besides that, as long as there is a Distinction made between the Court-party and that of the Country, there will ever be a Jealousy in the People, that those wicked Counsellors (who may think they can be safe no other way) will make Alliances with powerful Princes, in which there may be a secret Article by which those Princes shall stipulate to assist them with Forces upon a short warning to curb the Parliament, and possibly to change the Government. And this apprehension in the People will be the less unreasonable, because *Oliver Cromwell* (the great Pattern of some of our Courtiers) is notoriously known to have inserted an Article in his Treaty with Cardinal *Mazarin*, during this King of *France's* Minority, That he should be assisted with ten thousand Men from *France*, upon occasion, to preserve and defend him in his usurped Government, against his Majesty that now is, or the People of *England*, or in fine, his own Army, whose revolt he often feared. The second great Prerogative the King enjoys, is the sole Disposal and Ordering of the Militia by Sea and Land, raising Forces, garrisoning and fortifying places, setting out Ships of War, so far as he can do all this without putting Taxations upon the People ; and this not only in the Intervals of Parliament, but even during their Session ; so that they cannot raise the Train-bands of the Country or City to Guard themselves, or secure the Peace of the Kingdom. The third point is, That it is in his Majesty's Power to nominate and appoint as he pleases, and for what time he thinks fit, all the Officers of the Kingdom that are of Trust or profit, both Civil, Military, and Ecclesiastical, (as they will be called) except where there is *Jus Patronatus* ; These two last Powers may furnish a Prince who will hearken to ill designing Counsellors, with the means either of invading the Government by Force, or by his Judges and other Creatures undermining it by Fraud ; especially by enjoying the fourth Advantage, which is the laying out and employing, as he pleases, all the publick Revenues of the Crown or Kingdom, and that without having any regard (except he thinks fit)

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to the necessity of the Navy, or any other thing that concerns the Safety of the Publick. So that all these four great Powers, as things now stand, may be adoperated at any time, as well to destroy and ruin the good Order and Government of the State, as to preserve and support it, as they ought to do.

Noble Ven. But if you divest the King of these Powers, will you have the Parliament sit always to Govern these Matters?

Eng. Gent. Sir, I would not divest the King of them, much less would I have the Parliament assume them, or perpetuate their Sitting: They are a Body more fitted to make Laws, and punish the Breakers of them, than to execute them. I would have them therefore petition His Majesty by way of Bill, that he will please to exercise these four great *Magnalia* of Government, with the Consent of four several Councils to be appointed for that end, and not otherwise; that is, with the Consent of the Major part of them, if any of them dissent. In all which Councils His Majesty, or who he pleases to appoint, shall preside; the Councils to be named in Parliament; first all the number, and every Year afterwards a third part: So each Year a third part shall go out, and a Recruit of an equal number come in: And in three Years they shall be all new, and no Person to come into that Council, or any other of the four, till he have kept out of any of them full three Years, being as long as he was in. And this I learnt from your *Quarantia's* at *Venice*: and the Use is excellent; for being in such a Circulation, and sure to have their intervals of Power, they will neither grow so insolent as to brave their King, nor will the Prince have any occasion to corrupt them, although he had the means to do it, which in this new Model he cannot have. These Men in their several Councils should have no other instructions, but to dispose of all things, and act in their several Charges, for the Interest and Glory of *England*; and shall be Answerable to Parliament, from time to time, for any malicious or advised Misdemeanor; only that Council which manages the Publick Revenue, shall (besides a very copious and Honourable Revenue which shall be left to His Majesty's disposal for his own Entertainment, as belongs to the Splendor and Majesty of the Government) have Instructions to serve His Majesty (if he pleases to command them, and not otherwise) in the regulating and ordering his Oeconomy and Household; and if they shall see it necessary, for extraordinary Occasions of treating Foreign Princes and Ambassadors, or Presenting them, and the like Ostentation of Greatness; to consent with his Majesty moderately to charge the Revenue to that end. I verily believe that this Expedient is much more effectual than either the *Justitia* of *Aragon* was, or the *Ephores* of *Sparta*: Who being to check the King almost in every thing, without having any share in his Councils, or understanding them, could not chuse but make a sullen posture of Affairs; whereas these both seem, and really are the King's Ministers, only obliged by Parliament to act faithfully and honestly; to which, even without that, all other Councillors are bound by Oath. As for the other Council, now called the Privy Council, the King may still please to continue to nominate them at his pleasure, so they act nothing in any of the Matters properly within the Jurisdiction of these four Councils, but meddle with the Affairs of Merchants, Plantations, Charters, and other Matters, to which the Regal Power extendeth. And provided that His Majesty call none of the Persons employed in these other four

Councils during their being so, nor that this Council do any way intermeddle with any Affairs, Criminal or Civil, which are to be decided by Law, and do belong to the Jurisdictions of other Courts or Magistrates, they being no established Judicatory, or Congregation, which either our Government or Laws do take notice of (as was said before) but Persons congregated by the King, as his Friends and faithful Subjects, to give him their Opinion in the Execution of his Regal Office. As for Example, the King does exercise, at this time, a Negative Voice as to Bills presented to him by the Parliament, which he claims by Right; no Man ever said that the Privy-Council had a Negative Voice; y^er former Kings did not only ask their Advice as to the passing or not passing of such Bills, but often decided the Matter by their Votes; which, although it be a high Presumption in them, when they venture to give him Council contrary to what is given him by his greatest Council, yet never any of them have been questioned for it; being looked upon as private Men, who speak according to the best of their Cunning, and such as have no publick Capacity at all. But if this be not so, and that this Council have some Foundation in Law, and some publick Capacity, I wish in this new Settlement it may be made otherwise, and that His Majesty please to take their Counsel in private; but summon no Persons to appear before them; much less give them Authority to send for in Custody, or Imprison any Subject, which may as well be done by the Judges and Magistrates; who, if Secrecy be required, may as well be sworn to Secrecy as these Gentlemen; and I believe can keep Counsel as well, and give it too.

Noble Ven. But would you have none to manage State-Affairs, none Imprisoned for secret Conspiracies, and kept till they can be fully discovered? you have made an Act here lately about Imprisonments, that every Person shall have his *Habeas Corpus*, I think you call it: so that no Man, for what occasion soever, can lie in Prison above a Night, but the Cause must be revealed, though there be great cause for the concealing it.

Eng. Gent. This Act you mention, and a great many more which we have to the same purpose, that is, against Illegal Imprisonments, shews that for a long time the Power over Men's Persons has been exercised (under His Majesty) by such as were very likely, rather to employ it ill than well; (that is) would rather Imprison ten Men for Honourable Actions; such as standing for the People's Rights in Parliament, refusing to pay Illegal Taxes, and the like; than one for projecting and inventing Illegal Monopolies, or any other kind of oppressing the People. This made first *Magna Charta*, then the *Petition of Right*, and divers other Acts besides this last, take that Power quite away, and make the Law and the Judges the only Disposers of the Liberties of our Persons. And it may be, when the Parliament shall see the Fruit of this Alteration we are now discoursing of, and that State-Affairs are in better hands, they may think fit to provide that a Return, or Warrant of Imprisonment from one of these Four Councils (which I suppose will have a Power of Commitment given them, as to Persons appearing Delinquents before them) wherein it shall be expressed, That if the Publick is like to suffer or be defrauded, if the Matter be immediately divulged; I say in this Case, the Parliament may please to make it lawful for the Judge to delay the Bailing

Bailing of him for some small time, because it is not to be judged, that these Counsellors so chosen, and so instructed, and to continue so small a time, will use this Power ill; especially being accountable for any abusing of it to the next Parliament. And I suppose the Parliament, amongst other Provisions in this behalf, will require that there shall be a Register kept of all the Votes of these several Councils, with the names as well of those who consented, as of such who dissented: And as to the former part of your Question, whether I would have none to manage State Affairs; I think there are very few State Affairs that do not concern either Peace and War, and Treaties abroad, the management of the Arms, Militia, and *posse Comitatus* at home; the management of all the Publick Monies, and the Election of all Officers whatsoever; the other parts, of State Affairs, which are making and repealing of Laws, punishing high Crimes against the State, with Levying and Proportioning all manner of Impositions upon the People, this is reserved to the Parliament it self; and the Execution of all Laws to the Judges, and Magistrates; And I can think of no other Affairs of State than these.

Doct. Do you intend that the Council for chusing Officers shall Elect them of the King's Household, that is, his Menial Servants?

Eng. Gent. No, that were unreasonable, except any of them have any Jurisdiction in the Kingdom, or any place or preheminance in Parliament annexed to such Office; but in these things which concern the powers and Jurisdictions of these several Councils (wherein, *la guardia della liberta*, as *Machiavel* calls it, is now to be placed) I shall not presume to say any thing, but assure your self, if ever it come to that, it will be very well digested in Parliament, they being very good at contriving such Matters, and making them practicable, as well as at performing all other Matters that concern the Interest and Greatness of the Kingdom.

Doct. I have thought that the *Ephores* of *Sparta* were an admirable Magistracy, not only for the Interest of the People but likewise for the preservation of the authority of the Kings, and of their lives too; for *Plutarch* observes that the Cities of *Mefene* and *Argos* had the same Government with *Lacedemon*, and yet for want of erecting such an Authority as was in the *Ephores*, they were not only perpetually in broils amongst themselves, and for that reason ever beaten by their Enemies, whereas the *Spartans* were always victorious, but even their Kings were the most miserable of Men, being often call'd in question Judicially, and so lost their Lives, and many of them murdered by Insurrections of the People: And at last in both these Cities, the Kings were driven out, their Families extirpated, the Territory new divided, and the Government turn'd into a *Democracy*. And I ever thought that this expedient you propose (for I have heard you discourse of it often before now) would prove a more safe, and a more noble reformation than the Institution of the *Ephores* was, and that a Prince who is a lover of his Country, who is Gracious, Wise and Just, (such a one as it has pleased God to send us at this time) shall be ten times more absolute when this Regulation is made, than ever he was or could be before; and that whatsoever he proposes in any of these Councils will be received as a Law, nay, as an Oracle: And on the other side, ill and weak Princes shall have no possibility of corrupting Men, or doing either themselves or their People any kind of harm or mischief: But have you done now?

Eng.

Eng. Gent. No, Sir, when this Provision is made for the Execution of the Laws, (which I think very effectual, not to say infallible) although it is not to be doubted, but that there will be from time to time many excellent Laws enacted; yet two I would have passed immediately, the one concerning the whole Regulation of the Elections to Parliament, which we need very much, and no doubt but it will be well done; that part of it which is necessary to go hand in hand with our Settlement, and which indeed must be part of it, is, that a Parliament be elected every year at a certain day, and that without any Writ or Summons, the People meeting of course at the time appointed in the usual place (as they do in Parishes at the Church-House to choose Officers) and that the Sheriffs be there ready to preside and to certify the Election. And that the Parliament so chosen shall meet at the time appointed, and sit and adjourn as their Business is more or less urgent: But still setting yet a time for their coming together again; but if there shall be a necessity (by reason of Invasion or some other Cause) for their assembling sooner, then the King to call the Counsellors of these four Councils all together, and with the consent of the major part of them, intimate their meeting sooner; but when the Day comes for the annual meeting of another Parliament, they must be understood to be dissolved in Law, without any other Ceremony, and the new one to take their place.

Doct. I would have this considered too, and provided for, That no Election should be made of any person who had not the majority of the Electors present to vote for him; so the Writ orders it, and so Reason dictates; for else, how can he be said to represent the County, if not a fifth part have consented to his choice, as happens sometimes, and may do oftener? for where seven or eight stand for one vacant place, as I have known in our last Long Parliament, where the Votes being set in Columns, he who has had most Votes, has not exceeded four hundred of above two thousand who were present.

Noble Ven. This is a strange way; I thought you had put every Man by himself, as we do in our Government, and as I understood they do in the House of Commons, when there is any nomination, and then, if he has not the major part, he is rejected.

Eng. Gent. This is very material, and indeed essential; but I make no doubt, but if this Project should come in play in Parliament, this and all other particulars (which would be both needless and tedious to discourse of here) will be well and effectually provided for. The next Act I would have passed, should be concerning the House of Peers, that as I take it for granted, that there will be a Clause in the Bill concerning Elections, that no new Boroughs shall be enabled to send Members to Parliament, except they shall be capacitated thereunto by an Act; so it being of the same necessity as to the Liberty of Parliament, that the Peers (who do and must enjoy both a Negative and Deliberative Voice in all Parliamentary Transactions, except what concern levying of Money originally) be exempted from depending absolutely upon the Prince, and that therefore it be declared by Act, for the future, that no Peer shall be made but by Act of Parliament, and then that it be Hereditary in his Male Line.

Noble Ven. I am not yet fully satisfied how you can order your Matters concerning this House of Peers, nor do I see how the Contests between the House of Commons and them, can be so laid asleep but
that

that they will arise again: Besides the House of Commons must necessarily be extremely concerned to find the House of Peers, which consists of private persons, though very great and honourable ones, in an instant dash all that they have been so long hammering for the good of all the People of *England* whom they represent; were it not better now, you are upon so great alterations, to make an annual elective Senate, or at least one wherein the Members should be but for Life, and not Hereditary.

Eng. Gent. By no means, Sir, the less change the better, and in this Case the Metaphysical Maxim is more true than in any, *viz. Entia non sunt multiplicanda sine necessitate*; for great alterations fright Men, and puzzle them, and there is no need of it at all in this Case. I have told you before, that there is a necessity of a Senate, and how short this Government would be without it, and how confused in the mean time; the *Roman* Senate was Hereditary amongst the *Patricii*, except the Censor left any of them out of the Roll during his Magistracy, for some very great and scandalous offence; and in that case too there was an Appeal to the People, as in all other Causes, witness the Case of *Lucius Quintius* and many others. To shew that there can be no need of such a change here as you speak of, you may please to consider, that all Differences between the several parts of any Government, come upon the account of Interest; now when this Settlement is made, the House of Peers, and the House of Commons can have no Interest to dissent; For as to all things of private Interest, that is, the Rights of Peers, both during the sitting of Parliaments, and in the Intervals, is left to their own House to judge of, as it is to the House of Commons to judge of their own Privileges; And as for the contest of the Peers Jurisdiction as to Appeals from Courts of Equity; Besides that I would have that settled in the Act which should pass concerning the Lords House; I believe it will never happen more, when the Government is upon a right Foundation; it having been hitherto fomented by two different Parties, the Court-party sometimes blowing up that difference to break the Session, lest some good Bills for the People should pass, or that the King by rejecting them, might discontent his People; to avoid which *Dilemma*, there needed no more, but to procure some person to prosecute his Appeal before the Lords; some honest Patriots afterwards possibly might use the same policy which they learn'd from the Courtiers, to quash some Bill very destructive, in which they were out-voted in the Commons House; otherwise it is so far from the Interest of the Commons to hinder Appeals from Courts of Equity, that there is none amongst them, but know we are almost destroyed for want of it: And when they have considered well, and that some such Reformation as this shall take place; they will find that it can never be placed in a more honourable and unbiass'd Judicatory than this; And I could wish that even in the Intermission of Parliamentary Sessions, the whole Peerage of *England*, as many of them as can conveniently be in Town, may sit in their Judicial Capacities, and hear Appeals in Equity, as well as judge upon Writs of Error. Now as to your other Objection (which is indeed of great weight) that the House of Commons must needs take it ill, that the Lords should frustrate their Endeavours for the People's good by their Negative; If you consider one thing, the force of this

Objection will vanish; which is, That when this new Constitution shall be admitted, the Lords cannot have any Interest or Temptation to differ with the Commons, in any thing wherein the publick good is concerned, but are obliged by all the ties in the World, to run the same course and fortune with the Commons, their Interest being exactly the same; so that if there be any dissenting upon Bills between the two Houses, when each of them shall think their own Expedient conduces most to the advantage of the Publick; this difference will ever be decided by right Reason at Conferences; And the Lords may as well convince the Commons, as be convinced by them; and these contests are and ever will be of admirable use and benefit to the Common-wealth; the reason why it is otherwise now, and that the House of Peers is made use of to hinder many Bills from passing, that are supposed to be for the ease of the People, is, that the great Counsellors and Officers which sit in that House, do suggest (whether true or false) that it is against his Majesty's Will and Interest that such an Act should pass, whereupon it has found Obstruction; but hereafter if our expedient take place it cannot be so, first, because our King himself cannot have any Designs going (as was proved before) which shall make it his advantage to hinder any good intended his People, whose Prosperity then will be his own. And then because in a short time, the Peers being made by Act of Parliament, will consist of the best Men of *England* both for Parts and Estates, and those who are already made, if any of them have small Estates, the King if he had the Interest, would not have the means to corrupt them, the publick Monies, and the great Offices being to be dispensed in another manner than formerly; so their Lordships will have no Motive in the World to steer their Votes and Councils, but their own Honour and Conscience, and the preservation and prosperity of their Country. So that it would be both needless and unjust to pretend any change of this kind. Besides, this Alteration in the Administration of our Government being proposed to be done by the unanimous consent of King, Lords, and Commons, and not otherwise, it would be very preposterous to believe, that the Peers would depose themselves of their Hereditary Rights, and betake themselves to the hopes of being elected; it is true, they have lost the Power they had over the Commons, but that has not been taken from them by any Law, no more than it was given them by any; but is fallen by the course of Nature, as has been shewn at large; But though they cannot lead the Commons by their Tenures, as formerly, yet there is no reason or colour that they should lose their Co-ordination, which I am sure they have by Law, and by the Fundamental Constitution of the Government; and which is so far from being prejudicial to a lasting Settlement (as was said) that it infinitely contributes to it, and prevents the Confusion which would destroy it. If I should have proposed any thing in this Discourse which should have intrenched upon the King's Hereditary Right, or that should have hindred the Majesty and Greatness of these Kingdoms from being represented by his Royal Person, I should have made your Story of the *Capuchine* Fryar very Applicable to me.

Noble Ven. I see you have not forgiven me that Novel yet; but pray give me leave to ask you one Question: Why do you make the Election of Great Officers, to be by a small secret Council, that had been
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more proper for a Numerous Assembly; as it is in most Commonwealths?

Eng. Gent. It is so in Democracies, and was so in *Sparta*, and is done by your Great Council in *Venice*; but we are not making such a kind of Government, but rectifying an ancient Monarchy, and giving the Prince some help in the Administration of that great Branch of his Regality; besides, it is sufficient, that our Parliament chuses these Councils, (that is always understood the Lords and Commons, with the King's Consent) besides, it is possible, that if such a Regulation as this come in Debate against them, the Parliament will reserve to it self the Approbation of the Great Officers, as Chancellor, Judges, General Officers of an Army, and the like; and that such shall not have a settlement in those Charges, till they are accordingly allowed of; but may in the mean time exercise them. As to particulars, I shall always refer you to what the Parliament will judge fit to Order in the case; but if you have any thing to Object, or to shew in general, that some such Regulation as this cannot be effectual towards the putting our Distracted Country into better Order; I shall think my self oblig'd to Answer you, if you can have Patience to hear me, and are not weary already; as you may very well be.

Noble Ven. I shall certainly never be weary of such Discourse; however I shall give you no further trouble in this matter; for I am very fully satisfied, that such Reformation, if it could be compassed, would not only Unite all Parties, but make you very Flourishing at home, and very Great abroad: but have you any hopes that such a thing will ever come into Debate? what do the Parliament-men say to it?

Eng. Gent. I never had any Discourse to this purpose, either with any Lord, or Member of the Commons house, otherwise than as possibly some of these Notions might fall in at Ordinary Conversation: For I do not intend to intrench upon the Office of God, to teach our Senators Wisdom. I have known some men so full of their own Notions, that they went up and down sputtering them in every Man's Face they met; some went to great Men during our late Troubles; nay, to the King himself, to offer their Expedients from Revelation. Two Men I was acquainted with, of which one had an Invention to reconcile differences in Religion; the other had a project for a Bank of Lands to lie as a security for sums of Money lent; both these were Persons of great Parts and Fancy; but yet so troublesome at all times, and in all Companies, that I have often been forced to repeat an Excellent Proverb of our Country: God deliver me from a man that has but one business; and I assure you there is no Man's Reputation that I envy less, than I do that of such Persons; and therefore you may please to believe that I have not imitated them in scattering these Notions, nor can I Prophecy whether any such Apprehensions as these will ever come into the Heads of those Men who are our true Physicians. But yet to answer your Question, and give you my Conjecture; I believe that we are not Ripe yet for any great Reform; not only because we are a very Debauch'd People; I do not only mean that we are giving to Whoring, Drinking, Gaming an Idleness; but chiefly that we have a Politique Debauch, which is a neglect of all things that concern the publick welfare, and a setting up our own
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private Interest against it; I say, this is not all, for then the Polity of no Country could be Redrest: For every Common-wealth that is out of order, has ever all these Debauches we speak of, as Consequences of their loose State. But there are two other Considerations which induce me to fear that our Cure is not yet near. The first is, because most of the Wise and Grave Men of this Kingdom are very silent, and will not open their Budget upon any terms: And although they dislike the present Condition we are in as much as any Men, and see the Precipice it leads us to, yet will never open their Mouths to prescribe a Cure; but being asked what they would advise, give a shrug like your Countrymen. There was a very considerable Gentleman as most in *England*, both for Birth, Parts, and Estate, who being a Member of the Parliament that was called, 1640. continued all the War with them; and by his Wisdom and Eloquence (which were both very great) promoted very much their Affairs. When the Factions began between the Presbyters and Independents, he joined Cordially with the latter, so far as to give his Affirmative to the Vote of no Addresses; that is, to an Order made in the House of Commons, to send no more Messages to the King, nor to receive any from him. Afterwards, when an Assault was made upon the House by the Army, and divers of the Members taken violently away, and Secluded; he disliking it (though he were none of them) voluntarily absented himself, and continued retired; being exceedingly averse to a Democratical Government, which was then declared for, till *Cromwell's* Usurpation; and being infinitely courted by him, absolutely refused to accept of any Employment under him, or to give him the least Council. When *Cromwell* was dead, and a Parliament called by his Son, or rather by the Army, the chief Officers of which did, from the beginning, whisper into the Ears of the Leading Members that if they could make an honest Government, they should be stood by (as the Word then was) by the Army. This Gentleman, at that time, neither would be Elected into that Parliament, nor give the least Advice to any other Person that was; but kept himself still upon the Reserve. Infomuch that it was generally believed, that although he had ever been opposite to the late King's coming to the Government again, though upon Propositions; yet he might hanker after the Restoration of His Majesty that now is. But that Apprehension appeared groundless when it came to the pinch: for being consulted as an Oracle by the then General *Monk*, whether he should restore the Monarchy again or no, would make no Answer, nor give him the least Advice, and, *de facto*, hath ever since kept himself from Publick Business; although, upon the Banishment of my Lord of *Clarendon*, he was visited by one of the Greatest Persons in *England*, and one in as much Esteem with His Majesty as any whatsoever, and desired to accept of some great Employment near the King; which he absolutely refusing, the same Person, not a Stranger to him, but well known by him, begged of him to give his Advice how His Majesty (who desired nothing more than to unite all his People together, and repair the Breaches which the Civil War had caused, now my Lord *Clarendon* was gone, who by his Counsels kept those Wounds open) might perform that Honourable and Gracious Work: but still this Gentleman made his Excuses. And, in short,

short, neither then, nor at any time before or after (excepting when he sat in the Long Parliament of the Year 40.) neither during the distracted Times, nor since His Majesty's Return, when they seemed more reposed, would ever be brought, either by any private intimate Friend, or by any Person in Publick Employment, to give the least Judgment of our Affairs, or the least Counsel to mend them, though he was not shy of declaring his dislike of Matters as they went. And yet this Gentleman was not only by repute, and esteem a wise Man, but was really so, as it appeared by his management of business, and drawing Declarations, when he was contented to act; as also by his exceeding prudent managing of his own Fortune, which was very great, and his honourable Living and providing for his Family; his Daughters having been all married to the best Men in *England*; and his Eldest Son to the most accomplished Lady in the World. I dare assure you, there are above an hundred such Men in *England*, though not altogether of that eminency.

Noble Ven. Methinks these persons are altogether as bad an extreme as the loquacious Men you spoke of before. I remember when I went to School, our Master, amongst other Common-places in the commendation of silence, would tell us of a Latin saying, That a Fool whilst he held his peace did not differ from a Wise man; but truly I think we may as truly say, That a wise man whilst he is silent does not differ from a Fool; for how great soever his Wisdom is, it can neither get him credit, nor otherwise advantage himself, his Friend, nor his Country. But let me not divert you from your other point.

Eng. Gent. The next Reason I have to make me fear that such an Expedient as we have been talking of, will not be proposed suddenly, is the great distrust the Parliament has of men, which will make most Members shy of venturing at such matters, which being very new, at the first motion are not perfectly understood, at least to such as have not been versed in Authors who have written of the Politicks; and therefore the Mover may be suspected of having been set on by the Court-party to puzzle them, and so to divert, by offering new Expedients, some smart mettlesome Debates they may be upon concerning the Succession to the Crown, or other high matters: For it is the nature of all Popular Counsels (even the wisest that ever were, witness the people of *Rome* and *Athens*, which *Machiavel* so much extols) in turbulent times, to like discourses that heighten their passions, and blow up their Indignation, better than them that endeavour to rectify their Judgments, and tend to provide for their safety. And the truth is, our Parliament is very much to be excused, or rather justified in this distrust they have of persons, since there hath been of late so many and so successful attempts used by the late great Ministers, to debauch the most eminent Members of the Commons-House, by Pensions and Offices; and therefore it would wonderfully conduce to the good of the Common-wealth, and to the composing our disordered State, if there were men of so high and unquestionable a Reputation, that they were above all suspicion and distrust, and so might venture upon bold, that is (in this case) moderate Counsels, for the saving of their Country. Such men there were in the Parliament of 1640. at least twenty or thirty, who having stood their ground in seven Parliaments before, which in the two last Kings Reigns had been dissolved abruptly and in wrath, and having resisted the fear of Imprisonment and great Fines for their love to *England*, as well, as the temptation of

Money and Officers to betray it, both inferred by the wicked Counsellors of that Age, tending both to the ruin of our just Rights, and the detriment of their Masters Affairs; I say, having constantly, and with great magnanimity and honour made proof of their Integrity, they had acquired so great a Reputation, that not only the Parliament, but even almost the whole People stuck to them, and were swayed by them in Actions of a much higher Nature than any are now discoursed of, without fear of being deserted, or as we say, left in the lurch, as the people of *France* often are by their Grandees, when they raise little Civil Wars to get great Places, which as soon as they are offered, they lay down Arms, and leave their Followers to be hang'd; but although these two reasons of the silence of some wise men, and the want of reputation in others, does give us but a sad prospect of our Land of Promise, yet we have one Consideration, which does encourage us to hope better things ere long. And that is the Infallible Certainty that we cannot long continue as we are, and that we can never Meliorate, but by some such Principles, as we have been here all this while discoursing of, and that without such helps and succours as may be drawn from thence, we must go from one distraction to another, till we come into a Civil War, and in the close of it be certainly a prey to the King of *France*, who (on which side it matters not) will be a Gamester, and sweep Stakes at last; the World not being now equally ballanced between two Princes alike powerful, as it was during our last Civil War; and if as well this danger, as the only means to prevent it, be understood in time, (as no doubt it will) we shall be the happiest and the greatest Nation in the World in a little time; and in the mean time, enjoy the best and most just easy Government of any People upon Earth. If you ask me whether I could have offer'd any thing that I thought better than this, I will answer you as *Solon* did a Philosopher, who askt him whether he could not have made a better Government for *Athens*? Yes, but that his was the best, that the People would or could receive. And now I believe you will bear me witness, that I have not treated you as a Wise man would have done in silence; but it is time to put an end to this tittle-tattle which has nauseated you for three days together.

Noble Ven. I hope you think better of our Judgments than so; but I believe you may very well be weary.

Doct. I am sure the Parish Priests are often thanked for their pains, when they have neither taken half so much as you have, nor profited their Auditory the hundredth part so much.

Eng. Gent. The answer to thank you for your pains, is always, thank you, Sir, for your patience; and so I do very humbly both of you.

Noble Ven. Pray, Sir, when do you leave the Town?

Eng. Gent. Not till you leave the Kingdom. I intend to see you, if please God, aboard the Yacht at *Gravesend*.

Noble Ven. I should be ashamed to put you to that trouble.

Eng. Gent. I should be much more troubled if I should not do it; in the mean time I take my leave of you for this time, and hope to wait on you again to-morrow. What, *Doctor*, you stay to Consult about the Convalescence? Adieu to you both.

Doct. Farewel, Sir.

Nullum numen abest si sit prudentia.

F I N I S.



